

Planning, Taxi Licensing & Rights of Way Committee

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



Meeting Date
Thursday, 3 October 2019

County Hall
Llandrindod Wells
Powys
LD1 5LG

Meeting Time
10.00 am

For further information please contact
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25 September, 2019

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

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 12 September, 2019 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 Property, Planning and Public Protection 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. 19/0050/FUL Llidiart Wood, Laundry Lane, Moelygarth, Welshpool, SY21 9JF

(Pages 9 - 62)

4.3. 18/0532/RES Land Near Plas Foxen, Foxen Manor Road, Four Crosses, Llanymynech, Powys SY22 6RG

(Pages 63 - 90)

4.4. P/2017/1144 Land adj Uchel Dre, Common Road, Kerry, Powys, SY16 4PS.

(Pages 91 - 120)

4.5. 19/0963/FUL Land North Of Clatterbrune, Clatterbrune, Presteigne, Powys, LD8 2LB

(Pages 121 - 160)

4.6. 19/1356/DIS : Abermule Business Park, Abermule, Montgomery, Powys

(Pages 161 - 168)

4.7. **19/1236/DIS Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU**

(Pages 169 - 176)

4.8. **19/1497/DIS Rock House, Rock House Farm, Trelystan, Leighton, Powys SY21 8HZ**

(Pages 177 - 182)

4.9. **19/1374/NMA Village Hall, Sarn, Newtown, SY16 4EJ**

(Pages 183 - 190)

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.

(Pages 191 - 206)

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Planning, Taxi Licensing and Rights of Way Committee
3rd October

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

Applications for consideration by Committee:

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

1.	<p>19/0050/FUL</p> <p>Guilsfield Community</p> <p>E: 319608 N: 310036</p> <p>21/01/2019</p>	<p>Erection of a holiday cabin, improvements to the existing vehicle access and formalisation of a parking space and turning area</p> <p>Llidiart Wood, Laundry Lane, Moelygarth, Welshpool, SY21 9JF</p> <p>Ms Sophie Perkins</p> <p>Recommendation: Conditional Consent</p>
2.	<p>18/0352/RES</p> <p>Llandrinio and Arddleen Community</p> <p>E: 327624 N: 318306</p> <p>03/10/2018</p>	<p>Reserved matters application for details of access, appearance, landscaping, layout and scale in connection with proposed 49 dwellings, garages, access road, footpaths, public open space and associated works</p> <p>Land Near Plas Foxen, Foxen Manor Road, Four Crosses, Llanymynech, Powys SY22 6RG</p> <p>Messrs W.R, J. R & T.J. Bowker</p> <p>Recommendation: Conditional Consent</p>

3.	<p>P/2017/1144</p> <p>Kerry Community</p> <p>E: 314882 N: 289543</p> <p>03/10/2017</p>	<p>Outline: Proposed residential development of 5 no. dwellings, formation of a vehicular access and all associated works (some matters reserved)</p> <p>Land adj Uchel Dre, Common Road, Kerry, Powys SY16 4PG</p> <p>Mr M Evans</p> <p>Recommendation: Conditional Consent</p>
4.	<p>19/0963/FUL</p> <p>Presteigne Community</p> <p>E: 332058 N: 264116</p> <p>20/06/2019</p>	<p>Erection of a dwelling and all associated works</p> <p>Land North Of Clatterbrune, Clatterbrune, Presteigne, Powys, LD8 2LB</p> <p>Mr & Mrs Griffiths</p> <p>Recommendation: Conditional Consent</p>
5.	<p>19/1356/DIS</p> <p>Abermule and Llandyssil Community</p> <p>E: 315775 N : 294250</p> <p>08/08/2019</p>	<p>Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in relation to contaminated land and the external colour of the bulking facility</p> <p>Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU</p> <p>Powys County Council</p> <p>Recommendation: Conditions to be discharged</p>

6.	<p>19/1236/DIS</p> <p>Abermule and Llandyssil Community</p> <p>E: 315775 N: 294250</p> <p>08/08/2019</p>	<p>Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in relation to contaminated land and the external colour of the bulking facility</p> <p>Abermule Business Park, Abermule, Newtown, Powys SY15 6NU</p> <p>Powys County Council</p> <p>Recommendation: Conditions to be discharged</p>
7.	<p>19/1497/DIS</p> <p>Forden with Leighton & Trelystan Community</p> <p>E: 327675 N: 304186</p> <p>09/09/2019</p>	<p>Discharge of condition 4 of planning consent P/2018/0713 (18/0043/FUL) (photographic survey)</p> <p>Rock House, Rock House Farm, Trelystan, Leighton, Powys SY21 8HZ</p> <p>Richard Dearing</p> <p>Recommendation: Approval</p>
8.	<p>19/1374/NMA</p> <p>Kerry Community</p> <p>E: 320376 N:290839</p> <p>27/08/2019</p>	<p>Application for a non-material amendment to planning permission 18/0922/RES / P/2017/1489 in respect of previously approved plans</p> <p>Village Hall, Sarn, Newtown SY16 4EJ</p> <p>Powys County Council</p> <p>Recommendation: Approval</p>

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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0050/FUL **Grid Ref:** E: 319608
N: 310036
Community Council: Guilsfield Community **Valid Date:** 21.01.2019

Applicant: Ms Sophia Perkins

Location: Llidiart Wood, Laundry Lane, Moelygarth, Welshpool, SY21 9JF.

Proposal: Erection of a holiday cabin, improvements to the existing vehicle access and formalisation of a parking space and turning area

Application Type: Full Application

The reason for Committee determination

Given the planning history and local interest the Lead Professional for Development Management requested for the application to be determined before Members of the Committee.

Consultee Responses

Consultee

Received

Community Council

22nd Feb 2019

Guilsfield Community Council at their meeting on Monday 18th February discussed the above application.

Council considered 3 written representations from members of the community who put forward objections to the proposed development. It recognised that National Planning Policy, Technical Advice Notes and any other regulatory policies take precedence over any local views which may be expressed including those of the Community Council. Council also recognised that it was not qualified to provide a view in relation to technical detail and the extent to which it may apply to this application.

Nonetheless the application was debated at some length and Council agreed to support the application on the following grounds

- o The log cabin is unlikely to have a detrimental effect on the area and the habitat
- o Rural areas need new ways of creating income for the benefit of communities and this proposal seeks to make use of local trades people and services.
- o Whilst the area within which the log cabin is proposed may be designated ancient woodland, we believe that none of the trees are old, having been cut down in the 1930's. The trees that exist continue to support plants, animals and birds.
- o The site on which the cabin is to be erected does not require the felling of trees or shrubs - having been cleared some years ago.
- o The site of the proposed log cabin is not visible from the road, even at this time of year.
- o The proposal is unlikely to attract high volumes of traffic - as a single cabin with capacity for 2 people the likelihood of more than one additional car travelling along the road to and from it is small
- o We understand that there is no proposal to change current access arrangements from the road or the existing track which leads from the road to the cabin.

On balance it was considered that it would be nice to share our lovely local countryside at first hand with those who have to live and work in towns and cities. There are other rural activities such as shooting which probably does more damage but is needed to support our rural economy as will the Log Cabin which will be sited on an existing woodland road.

PCC-Building Control

24th Jan 2019

Building Regulations application required.

Wales & West Utilities - Plant Protection
Team

6th Feb 2019

Wales & West Utilities acknowledge receipt of your notice received on 25.01.2019, advising us of the proposals for:

Llwydiarth Wood, Moelygarth, Welshpool, Powys, SY21 9JF

According to our mains records Wales & West Utilities has no apparatus in the area of

your enquiry. However, Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Hafren Dyfrdwy

28th Jan 2019

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.

PCC-(N) Highways

21st Feb 2019

The County Council as Highway Authority for the County Unclassified Highway, U2432

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC1 Prior to the occupation of the cabins any entrance gates shall be set back at least 6 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 6 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 6 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 43 metres distant in each direction measured from the centre of the access.

Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 6 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.

HC9 Prior to the occupation of the cabins, provision shall be made within the curtilage of the site for the parking of not less than 1 car per cabin excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of the cabins the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 6 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,

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

HC37 Prior to any works being commenced on the development site the applicant shall construct 2 passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

RR1 In the interests of highway safety

PCC-Ecologist

2nd Apr 2019

Thank you for consulting me with regards to planning application 19/0050/FUL which concerns an application for the Erection of a holiday cabin, improvements to the existing vehicle access and formalisation of a parking space and turning area at Lliidiart Wood, Laundry Lane, Moelygarth, Welshpool, Powys.

I have reviewed the information submitted to support the proposed development including the following documents:

- o Ecological Appraisal Report produced by Parkes Ecology dated November 2018
- o Arboricultural Impact Appraisal Report (Reference - DEV2820.WAL.02GM) produced by Arbor Consultancy Ltd dated 12/12/2018
- o Arbor 001 - Tree Survey Plan produced by Arbor Consultancy Ltd dated 14/12/2018
- o Arbor 002 - Tree Constraints Plan produced by Arbor Consultancy Ltd dated 14/12/2018
- o Arbor 003 - Tree Protection Plan produced by Arbor Consultancy Ltd dated 14/12/2018
- o Woodland Management Plan (Reference - WMP2820.CYM.01GM) produced by Arbor Consultancy Ltd dated 19/12/2018
- o Location & Site Plan drawing no. ST300 Rev G produced by PYC Design dated

18/01/2019

In addition I have reviewed the consultation response provided by NRW dated 14th February 2019, NRW have identified that subject to inclusion of conditions to secure adherence to the mitigation measures identified in the Ecological Appraisal and Arboricultural Impact Appraisal Reports the proposed development would not be detrimental to the favourable conservation status of bats or dormice as the site or in the wider environment, having reviewed the submitted information including survey information and proposed mitigation measures I am in agreement with NRW conclusion and recommendations regarding the impacts of the proposed cabin and associated infrastructure.

Whilst I am in agreement with NRW and consider that the impacts of the proposed cabin and associated infrastructure have been addressed to an acceptable manner, I do have concerns regarding the potential impacts of the proposed access improvements, I note that several third party objectors have raised concerns with regards to 'removal of hedgerow' associated with the proposed development - one objector has suggested that 'more than 135m' of hedgerow would be damaged by the proposed development.

Having reviewed the submitted plans and associated information it is not clear as to the extent or type of habitat that would be affected by the access improvements required to meet the highways requirements regarding visibility. In addition it is noted that whilst the Ecological Appraisal appears to have considered land within the applicants ownership, the area of land to the north-west of the access does not appear to have been included in the assessment and therefore it is not possible to determine the significance of impacts to habitats present in the areas of the proposed access improvements. Powys LDP Policy DM2 states that:

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, 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'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 - Hedgerows are included on this list and are beneficial to

a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where hedgerow is required to be removed to accommodate the proposed development appropriate compensation in line with the requirements of LDP Policy DM2 will be required, where possible translocation of any existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified - details of the location, length and species as well as an appropriate aftercare scheme will need to be identified - species used will need to be native and reflect the hedgerows present in the local area. In order to ensure that an appropriate compensation scheme is identified clarification is required with regards to the extent of hedgerow (or other habitats) impacted by the proposed access improvements. Therefore prior to determination of the application further information to enable assessment of the impact of the proposed access improvements to biodiversity is required including:

- o Clarification of the extent of habitat affected by the proposed access improvements - this should be provided in the form of a detailed plan indicating which areas of habitat would be impacted to provide the required visibility splays;
- o Confirmation of the types and nature of habitats affected by the proposed access improvements i.e. do the proposals require the removal of any hedgerow or trees;
- o Confirmation as to whether these habitats have been assessed as part of the Ecological Appraisal.

In addition it is also noted that my colleagues in PCC Highways have recommended that a condition is included for the provision of '2 passing bays, in locations to be agreed in writing by the Local Planning Authority' given the sensitivity of habitats present adjacent to Laundry Lane it is considered that the locations of these proposed passing bays should be identified prior to determination of the and an ecological assessment of the locations undertaken to ensure that the proposed passing bays would not result in the loss of or negative impacts to biodiversity. Therefore prior to determination of the application further information to enable assessment of the impact of the proposed development through creation of two passing bays to biodiversity is required including:

- o Proposed locations of the passing bays
- o Information to enable assessment of the ecological importance of the land affected by and adjacent to the passing bay construction

Additional Correspondence received 20th September 2019:

Thank you for consulting me with regards to the additional information with regards to planning application 19/0050/FUL which concerns an application for the Erection of a holiday cabin, improvements to the existing vehicle access and formalisation of a parking space and turning area at Llidiart Wood, Laundry Lane, Moelygarth, Welshpool, Powys.

I previously responded with regards to this application on the 2nd April 2019 where I identified that further clarification/information was required with regards to the proposed access and requirements identified by Powys County Council Highways in relation to provision of passing bays associated with the proposed development.

As identified in my previous response the following documents have been considered when assessing the proposed development and potential impacts to biodiversity:

- Ecological Appraisal Report produced by Parkes Ecology dated November 2018
- Arboricultural Impact Appraisal Report (Reference - DEV2820.WAL.02GM) produced by Arbor Consultancy Ltd dated 12/12/2018
- Arbor 001 - Tree Survey Plan produced by Arbor Consultancy Ltd dated 14/12/2018
- Arbor 002 - Tree Constraints Plan produced by Arbor Consultancy Ltd dated 14/12/2018
- Arbor 003 - Tree Protection Plan produced by Arbor Consultancy Ltd dated 14/12/2018
- Woodland Management Plan (Reference - WMP2820.CYM.01GM) produced by Arbor Consultancy Ltd dated 19/12/2018
- Location & Site Plan drawing no. ST300 Rev G produced by PYC Design dated 18/01/2019
- BS6297:2007 Percolation Test Report and associated Site Plan Extract with Soakaway Mark-up

In addition further to my previous comments the following documents/information has been submitted to address to request for clarification:

- Hedgerow Impact & Mitigation Statement: Visibility Splay document dated 30th May 2019
- Highways Improvements: Proposed Passing Places and Localised Widening document dated 29th July 2019

Prior to the submission of the Highways Improvements document I attended a site visit with Simon Crew (Powys County Council) on the 18th July 2019 to review the proposed locations of the highway improvements and to determine whether these would be considered appropriate with regards to avoidance of ecological impacts to protected species and habitats of ecological value.

As identified in my previous response having reviewed the Ecological Appraisal Report I am satisfied that the ecological assessment has been undertaken in accordance with current guidelines. Ecological assessments for the current application were undertaken between April and November 2018, in addition the report incorporates findings of surveys undertaken between November 2016 and June 2017 which were undertaken for a previous application at the site (P/2017/1164) which was withdrawn. The study comprised a mixture of desk-based study and field surveys including an Extended Phase 1 Habitat Survey and Protected Species Walkover Survey. Detailed surveys were also conducted for Bats including tree Inspection survey, transect surveys and static and automated surveys and Dormice including Nest and nut search and Nest tube surveys.

An assessment of trees at the proposed development site was undertaken to determine the potential for roosting bats to be present. All suitable trees within 30m of the proposed cabin location were inspected for Potential Roost Features (PRFs) all of these trees were found to be structurally sound with no suitable PRFs. A small number of trees in the wider area surrounding the proposed cabin location were identified as having roost potential, these were subjected to detailed inspection no bats or evidence of bats were found during these inspections.

Three activity transect surveys were undertaken in July and August 2018, the surveys recorded a total of seven species of bats within the site. Numbers of bats recorded indicate moderate bat activity, the timings of bat activity recorded suggest a potential common and soprano roost nearby to the east of the site beyond Laundry Lane. Numbers and timings of recordings of Daubenton's, Natterer's, brown long-eared and lesser horseshoe bats suggested that these species are likely to commuting through Llidiart wood on their way to or from roost sites and/or foraging areas.

Whilst no evidence of bat roosts was found during the surveys the report identifies that the possible presence of bat roosts within the woodland cannot be completely ruled out. No trees will be lost as a result of the installation of the proposed cabin therefore it is considered that there would no potential for the loss of any bat roosting habitat. The main potential for impact to bats as a result of the proposed development would be introduction of artificial lighting, details regarding proposed lighting associated with the development have been provided within the Ecological Appraisal Report these identify that the only external lighting associated with the proposed cabin would be for the purpose of access to the cabin and would comprise three warm white LEDs down lighted with hoods. These

would be horizontal mounted and operated by push button on a short timer (one minute). Internal lighting will be recessed and black out blinds will be installed on all windows. The lighting proposed is considered to be acceptable and in accordance with the current guidelines set out in the BCT ILP Guidance Note 08/18 - Bats and artificial lighting in the UK Bats and the Built Environment Series. In addition NRW have confirmed in their response dated 14th February 2019 that they consider the information provided addresses previous concerns that they had with regards to exterior lighting and that they consider that the proposed development would not be detrimental to the favourable conservation status of bats in their natural range. Measures have also been identified in Section 5.9 of the report to minimise potential disturbance impacts to foraging bats during the construction phase – the measures identified are considered to be appropriate and acceptable in light of the survey results.

In light of records of dormice within 1km of the proposed development surveys were undertaken to determine whether this species was present in the woodland surrounding the proposed development these surveys included a nest and nut search – both dormice nests and nuts opened by this species are easily distinguished from other small mammals – and use of nest tubes – a technique designed for use in surveys to detect the presence of dormice. The current guidelines – The Dormouse Conservation Handbook – Second Edition - require that in order for a nest tube survey to be considered valid and the results reliable a search effort score of at least 20 must be achieved – the search effort score is calculated using the number of nest tubes deployed and index of probability of encountering dormice for different months. At the proposed development site a total of 100 nest tubes were deployed in April 2018 and checks conducted monthly between May 2018 – November 2018 this achieves a search effort score of 48 i.e. significantly above the required score of 20 to place confidence in the results.

No evidence of dormice was found during the nest/nut search or any of the nest tube checks and therefore the assessment concludes that dormice are likely to be absent from the site. NRW have stated in their response dated 14th February 2019 that they consider that whilst the survey results suggest dormice were not present at the time of the survey, it does not demonstrate absence from the site. They do however conclude that the current proposal will not have a significant impact on this species if present. They have recommended that appropriate checks for presence of dormice are carried out by an ecologist prior to commencement of access improvement works and removal of the hedgerow. The Hedgerow Impact & Mitigation Statement: Visibility Splay document dated 30th May 2019 includes reference to pre-commencement checks for dormice prior to any works being undertaken. The applicant should be advised that in the event a dormouse or evidence of dormice is found during these pre-commencement check it would be necessary to halt works and to seek advice from NRW immediately.

Evidence of badger activity was confirmed at the site in the form of setts, hairs, latrines, snuffles and paths/tracks. No setts were identified within the area of the proposed works and the closest badger evidence was identified over 60m from the proposed cabin location. A series of best practice reasonable avoidance measures have been identified to prevent disturbance of badger setts present in the wider area – the measures identified are considered to be appropriate and acceptable and in line with current guidelines regarding this species.

Broad principles with regards to bio-security have been provided within Section 5.4 of the Ecological Appraisal report, the primary concern identified is the risk of INNS and disease. It has been identified that a Biodiversity Risk Assessment with low risk biosecurity control will be adhered to. The measures identified are appropriate and in line with current recognised guidelines regarding biosecurity. NRW have confirmed in their response dated 14th February 2019 that they consider that biosecurity and control of invasive species has been satisfactorily addressed within Section 5.4. of the Ecological Appraisal.

The Ecological Appraisal Report identifies that the works will ideally be undertaken outside of the bird breeding season. In the event that this is not possible measures have been identified to be implemented to ensure no negative impacts to nesting birds including pre-works checks by a suitably experienced ecologist and implementation of suitable exclusion zones in the event that a nest is identified. The measures identified are considered to be appropriate and in accordance with current best practice.

Mitigation measures have also been identified with regards to hedgehogs and amphibians and it has been identified that guests of the cabin will be provided with information outlining presence of ecological features and conservation aims of the site. These measures are considered to be appropriate and acceptable.

In addition to mitigation measures the Ecological Appraisal Report includes details of enhancement measures proposed to be provided through the development. Identification of enhancement measures is welcomed and in line with the requirements of Section 6 of the Environment (Wales) Act 2016 which requires Local Authorities to seek to maintain and enhance biodiversity through all of their functions including the Planning Process. The proposed enhancement measures include implementation of a Woodland Management Plan, installation of 10 bird boxes, installation of 4 bat boxes, installation of a VWT Cathedine Night Roost – suitable for use by lesser horseshoe bats, continued monitoring for dormice using nest tubes – if dormice are found to be present then nest boxes will be installed, creation of log piles, installation of bug boxes and solitary bee houses and improved management of the pond on site.

I am satisfied that the survey effort undertaken has been in accordance with recognised

National Guidelines and that the mitigation measures are appropriate and achievable, in addition NRW have confirmed that they are satisfied with the measures proposed with regards to Bats and Dormice (EPS species). I recommend inclusion of a planning condition to secure adherence to the identified mitigation and enhancement measures set out in the Ecological Appraisal Report.

In my previous response I requested clarification regarding the required works to achieve the necessary access and associated visibility splays – one third party objector had suggested that ‘more than 135m’ of hedgerow would be damaged by the proposed development - the additional information in the form of the Hedgerow Impact & Mitigation Statement: Visibility Splay dated 30t May 2019 has confirmed that in total a 14m length of hedgerow would be directly impacted by the visibility requirements for the access improvements. 4m of this section is proposed to be selectively thinned with a minimal number of plants removed to achieve the required visibility, the other 10m section would require the majority of plants in the hedgerow section to be removed, the Hedgerow Impact & Mitigation Statement identifies that this will initially involve coppicing the hedgerow, any main stumps over 1m from the visibility splay would be retained and allowed to regenerate. In accordance with the requirements of LDP Policy DM2 details of proposed compensation for the impact to this section of hedgerow have been identified.

The Hedgerow Impact & Mitigation Statement provides suitable justification as to why it would not be possible to translocate the affected section of hedgerow and instead it is proposed to provide replacement infill planting to compensate for the loss of hedgerow shrubs in this section. The species mix proposed is considered to be acceptable and appropriate and contains a more diverse selection of species that those which would be lost including a number of species that would provide additional benefits to biodiversity including providing a source of food for local wildlife. In addition pre-commencement checks for dormice and nesting birds have been identified. I am satisfied that the proposed measures are acceptable and in accordance with the requirements of LDP policy, appropriate compensation measures have been identified to offset the impact of the works required to achieve the required visibility splays and should you be minded to approve the application I recommend inclusion of a planning condition to secure adherence to the identified measures set out in the Hedgerow Impact & Mitigation Statement document.

Further to requests from Powys County Council Highways Department for provision of passing bays in association with the proposed development a site meeting was conducted on the 18th July 2019 to review the proposed locations of the highway improvements and to determine whether these would be considered appropriate with regards to avoidance of ecological impacts to protected species and habitats of ecological value. Following this site visit PCC Highways Department has confirmed in their response

(uploaded to the planning portal on the 13th September 2019) that they are content that the additional movements associated with the proposed development could be mitigated by the proposed localised widening and creation of single passing bay. During the site visit the proposed locations were assessed in terms of the habitats present and extent of works required and likely impacts. The areas affected by the proposed passing bay and widening were found to be of low ecological value and the extent of works required would have minimal impacts to these areas. In light of the finding of the site visit, assessment of the areas affected and the submitted information provided within the Highways Improvements: Proposed Passing Places and Localised Widening document dated 29th July 2019 I am satisfied that provision of the required passing bays/widening would not result in the loss of negative impacts to biodiversity.

As identified in my response to the previous application at this site – P/2017/1164 – the proposed development is located within an area identified as Ancient woodland. With regards to the proposed development and the potential for impacts to Ancient Woodland the following needs to be taken into consideration:

Powys LDP policy DM2 states that:

Development proposals which would impact the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, Woodlands and hedgerows of significant public amenity, natural or cultural heritage

Ancient woodland would come under the criteria identified in part 5 of LDP policy DM2.

In addition to part 5 of policy DM2 Ancient woodland would also be covered by Part 2 and Part 3.

Part 2 relates to habitats afforded levels of protection in line with national policy and legislation and states that:

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or
- ii. There is no suitable alternative to the proposed development; and

a) It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and

- b) Appropriate compensatory measures are secured; and
- c) The population or range and distribution of the habitat or species will not be adversely impacted.

Part 3 relates to locally important habitats and states that:

Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

- i. They conserve and where possible enhance the natural heritage importance of the site, habitat or species; or
 - ii. The development could not reasonably be located elsewhere; and
- a) The benefits of the development outweigh the natural heritage importance of the site, habitat or species; and
 - b) Mitigation and/or compensation measures are provided where adverse effects are unavoidable.

The current application does not involve the removal of any trees from the woodland to accommodate the proposed cabin, an Arboricultural Impact Assessment and Arboricultural Method Statement including tree protection strategy has been identified to ensure that proposed construction activities will not detrimentally impact any of the retained trees surrounding the development. The proposed cabin location has been sited in an existing clearing in the woodland and the existing woodland track will be utilised no additional tracks or pathways will be required to be created as part of the development. A section of hedgerow 14m in length bordering the edge of the woodland will be impacted to achieve the required visibility and access improvements, as detailed above it is considered that appropriate compensation measures have been identified to compensate the impacts as a result of these works. Fauna associated with the woodland including dormice, bats and nesting birds have been adequately addressed and in addition to mitigation measures enhancement measures have also been identified – NRW have also confirmed they are satisfied with the measures identified with regards to dormice and bats. Services associated with the proposed cabin will be laid within plastic ducting that will run along side the existing forestry track, in order to minimise impacts to trees and avoid impacts to associated root systems the services will be laid above ground – i.e. no excavations will be required – for protection purposes the pipes will be overbunded the Arboricultural Impact Assessment Report confirms that whilst this will involve raising the soil level the extent would be minimal and would not have a detrimental effect of the retained trees. The proposed foul water drainage system will be pumped up to the existing soakaway located between the existing house and the proposed cabin, submitted

plans indicate that this will involve some excavations to extend the existing soakaway present in this location to ensure sufficient capacity is provided. The plan provided identifies that these works will be undertaken in accordance with root protection areas and arborist guidance as appropriate so as to prevent detrimental impact to the root systems of surrounding trees. In light of the proposed location of the cabin, scale of the development, use of existing infrastructure and lack of requirements to create additional tracks or pathways it is considered that the proposed development would not adversely affect the ancient woodland habitat in which it is proposed to be located i.e. there would be no loss of ancient woodland habitat and appropriate mitigation measures have been identified to protect flora and fauna associated with the woodland.

In addition there is potential for the development to result in benefits to the ancient woodland habitat and associated species through provision of the identified enhancement measures and implementation of the submitted Woodland Management Plan – many ancient woodland habitats have declined in condition due to lack of appropriate management – the plan identifies that ‘the woodland as it is has significant ecological potential however dense regeneration is resulting in an enclosed canopy preventing light penetration and effectively suppressing the growth of the field and shrub layer’, which is consistent with what I observed when I visited the site in relation to the previous application. The Management Plan identifies that in order to increase the ecological potential of the woodland management activities are proposed to restore the vertical structure of the wood, this would be achieved through selective thinning of the canopy in order to allow the field and shrub layer to flourish in addition to continued coppicing on an annual rotational basis – it is considered the proposed management strategy would improve the woodland habitat and increase benefits for biodiversity including dormice, bats, invertebrates etc.

Therefore I consider that the proposed development would not result in adverse impacts to ancient woodland and that the submitted information demonstrates compliance with the relevant sections of LDP Policy DM2 that securing adherence to the identified Woodland Management Plan through an appropriately worded planning condition has potential to improve the condition of the site and provide wider benefits to biodiversity.

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

The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in Sections 5 & 6 of the Ecological Appraisal Report produced by Parkes Ecology dated November 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council’s LDP Policy DM2 and DM7 in relation to

The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the woodland management measures identified in the Woodland Management Plan (Reference - WMP2820.CYM.01GM) produced by Arbor Consultancy Ltd dated 19/12/2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified in the Arboricultural Impact Appraisal Report (Reference - DEV2820.WAL.02GM) produced by Arbor Consultancy Ltd dated 12/12/2018 and detailed on Tree Survey Plan drawing reference Arbor 001 produced by Arbor Consultancy Ltd dated 14/12/2018 , Tree Constraints Plan drawing reference Arbor 002 produced by Arbor Consultancy Ltd dated 14/12/2018, Tree Protection Plan drawing reference Arbor 003 produced by Arbor Consultancy Ltd dated 14/12/2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified in the Hedgerow Impact & Mitigation Statement: Visibility Splay document dated 30th May 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- Intentionally kill, injure or take any dormouse.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 2017 that works to trees or vegetation where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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 2017

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 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Protected Species

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

Environmental Health

19th Feb 2019

With regard to the additional foul drainage information that has been submitted:

New percolation tests have been carried out in the location of the intended extended drainage field area. These results demonstrate that the ground conditions in this area are suitable for a foul drainage field. In addition, a plan has been submitted to demonstrate that there is adequate space available to implement the drainage field in accordance with the requirements of the Building Regulations.

Therefore, I have no objection to the application.

PCC-Rights of Way Senior Manager

25th Jan 2019

The developer is advised that public footpath L46 exists within/ near to the planning boundary.

In the event of a successful planning permission please include a note advising that:

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- o Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

PCC-(N) Land Drainage

28th Jan 2019

Having assessed the Planning Application Ref 19/0050/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website

Natural Resources Wales (North) DPAS

14th Feb 2019

Thank you for consulting Natural Resources Wales (letter dated 24/01/2019) regarding the above.

We note new information has been submitted in support of this new proposal at Llidiart Wood to address concerns NRW had with regards to the previous application P/2017/1164, namely:

- o o Ecological Appraisal, by Parkes Ecology dated November 2018
- o o updated Woodland Management Plan, report WMP2820.CYM.01GM by Arbor, dated 19/12/2018
- o o Arboricultural Impact Appraisal by Arbor, report DEV2820.WAL.02GM dated 12/12/2018
- o o a new foul drainage plan, drawing ST300 Rev G supported by
- o o Technical note to cover the drainage at Llidiart Wood (report 18037) by Peak Associates Environmental Consultants Ltd.

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

Summary of Conditions

Condition 1- EPS: The implementation of the recommendations made in the Ecological and Arboricultural Impact Appraisal reports are secured through planning conditions and/or a Section 106 agreement.

European Protected Species (EPS)

Our comments below relate to an assessment of the:

- o o Ecological Appraisal dated November 2018 by Parkes Ecology.
- o o Woodland Management Plan dated 19/12/2018 by Arbor
- o o Arboricultural Impact Appraisal dated 12/12/2018 by Arbor

From the information contained in the submissions we consider that the proposed

development represents a lower risk for bats and dormice.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where these species are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose 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.
- ii. There is no satisfactory alternative and
- iii. 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.

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 / dormice on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

These reports satisfactorily address previous concerns we had with regards to exterior lighting and provides clarifications over the extent of the proposed works.

The level of bat activity was moderate and no evidence of bat roosting was found within the trees in the immediate vicinity of the proposal.

Additional dormouse surveys were carried out in line with current guidelines for a period of 8 months, this involved the installation of 100 nest tubes throughout the woodland (a greater survey effort than expected for a development of this proportion). No evidence of dormouse was found during this period. Whilst this suggest dormice were not present at the time of the survey, it does not demonstrate absence from the site. We can however expect that the current proposal will not have a significant impact on this species if present.

We recommend that appropriate checks for presence of dormice are carried out by an ecologist prior to commencement of access improvement works and removal of the hedgerow.

On the basis of the above reports, we do not consider that the development is likely to be

detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range provided the recommendations made in the reports are implemented.

Condition 1- EPS: The implementation of the recommendations made in the Ecological and Arboricultural Impact Appraisal reports are secured through planning conditions and/or a Section 106 agreement.

We welcome the intention to further enhance the ecological value of the woodland by implementing the recommendations of the woodland management plan submitted in support of the application.

In our response to P/2017/1164 we expressed significant concerns with regards to balancing the requirements of recreation and wildlife conservation. We appreciate an attempt to address this has been made by the statement in section 5.5 of the Ecological Appraisal. This section refers to guests 'being provided with an information leaflet or notice outlining the presence of ecological features and conservation aims within the site. Guests will be expected to respect these by keeping to the paths, keeping dogs on lead and minimising noise levels and use of light s during nocturnal hours.'

It is our understanding that no additional paths will be created as part of this proposal and therefore visitor's access will only be encouraged along the existing forestry track, footpaths illustrated on the location plan and public rights of way.

We appreciate access to the wider woodland cannot be totally prevented but the use of information leaflets within the cabin and direct communication with guests, should help minimise disturbance to wildlife.

We also acknowledge and approve of the intention to install Electrical and Water utilities by using plastic ducting/conduits that will run along the surface of the track/woodland floor in order to minimise damage to roots and that the pipes will be overbunded with soil in order to protect them. This method has been described in section 8.7 of the Arboricultural Impact Appraisal report.

Foul Drainage

We note that the intention to dispose of foul drainage to a non mains system has been shelved and the current proposal is to connect to the existing septic tank which serves the main house. The information provided in the Technical Note report confirms that the proposal is compliant with British Standard 6297 and Approved Document H of the Building Regulations 2000.

NRW therefore has no objection to this proposal providing that the discharge stays within the 2 cubic metre/ day limit. The applicant should be reminded that if they need to change

the discharge point it would be considered a new discharge and they would need to register it as exempt/ apply for a permit.

The Technical note to cover drainage refer to the General binding rules. They are on gov.uk and are listed in the Environmental Permitting (England & Wales) (Amendment)(England) Regulations 2014. They do NOT apply in Wales. They apply in relation to England only. The applicant should refer to 'Guidance for the registration of small sewage effluent discharges'.

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 consider biosecurity and control of invasive species has been satisfactorily addressed within section 5.4 of the Ecological Appraisal.

For additional guidance we refer you to the GB non-native species secretariat 'Check, Clean, Dry' guidelines which also apply to the use of machinery on construction sites. <http://www.nonnativespecies.org/checkcleandry/index.cfm>

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the developer:

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.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and discharge of effluent to ground or surface water is required, the Applicant will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain

criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

Pollution Prevention

All works at the site must be carried out in accordance with PPG6 'Working at construction and demolition sites' which is available at:

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

Badgers

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett. Unless the proposal avoids these effects, the applicant will require a licence from NRW under Section 10 (d) of the Protection of Badgers Act 1992 before any development could proceed. A licence application should be accompanied by survey reports and, where necessary, an appropriate mitigation scheme. A scheme for the conservation of badgers should take account of the distance of any sett from the development, the status of the sett and the provision of suitable foraging area.

If the recommendations made in section 5.10 of the Ecological Appraisal report cannot be adhered to, we advise that the applicant discuss the proposals with our species licensing team, who will be able to confirm whether a licence is required for the proposal. They are contactable through our contact centre on 03000 65 3000 or by emailing specieslicence@naturalresourceswales.gov.uk.

Further information may be found at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/ukprotected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-thewelsh-government/?lang=en>

19/0050/FUL- Erection of a holiday cabin, improvements to the existing vehicle access and formalisation of a parking space and turning area Llidiart Wood, Laundry Lane, Moelygarth, Welshpool, SY21 9JF.

Recommendation - No Objection - subject to appropriate conditions

Background to Recommendation

Designation

Cadw ID 787 grade II* Llanerch Brochwell included on the statutory list on 11/03/1981

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

TD1 - Tourism Development

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 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. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting 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."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that "it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

The proposal relates to the construction of a holiday cabin at Llidiart Wood. I am aware of a recent application P2017/1164 for 2 holiday cabins for which I previously raised no objection.

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

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

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other

potentially polluting development though it may have little visual impact.

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

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

The document provides advice on how to assess the setting

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

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

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

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

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

Llanerch Brochwel is located on a platform site overlooking the Guilsfield Brook valley, with an access drive from the junction with Laundry Lane and is a fine example of a sub-medieval farmhouse, with an exceptionally rich timbered porch block which is on the north of the house, illustrating the wealth and status of the occupants of the house at the time of its construction and as such the principal elevation of the house faces north and away

from the application site.

In addition from the number of cabins being reduced from 2 to 1 the location of the proposed cabin differs in this application to the previous application. The current siting is further to the east than the previous site and closer to the house known as Llidiart Wood. In addition is set slightly lower from the ridge line than the previous application. The trees around the site are duly noted to be a few evergreen trees.

I note the proposed material pallet of larch cladding scorched or painted black, and would consider that this dark colour would be appropriate in this location and would recede into the woodland more than a lighter wood colour. I would ask for consideration to be given to a condition in respect of the colour treatment of the proposed cabin that the colour be agreed and to be retained thereafter.

Given the location of the cabin, and the location Llanerch Brochwel in the landscape I could not conclude that the setting of Llanerch Brochwel would be adversely affected by the proposal. As such I can confirm that I have no objection to the application on built heritage grounds.

PCC-(N) Highways

12th Sep 2019

The Highway Authority (HA) note that the revised proposal is for a single passing bay and localised widening. Following consideration of the additional detail submitted, and a further site visit along with the County Ecologist, the HA are content that the additional movements associated with the proposed development can be mitigated by the proposed widening and single passing bay.

The Highway Authority responded on the 12th of March 2019, recommending conditions to be applied to any consent given. Whilst many of those conditions are still relevant, we wish this response to supersede our previous correspondence.

The development shall be carried out in accordance with drawing numbers ST300, D_01, Passing Bay Location Plan and Proposed Widening Plan.

Notwithstanding the submitted details on drawing numbers ST300, D_01, Passing Bay Location Plan and Proposed Widening Plan the Highway Authority wish the following conditions to be applied to any consent given.

Prior to the first beneficial use of the development, detailed engineering drawings for localised widening to the U2432 and associated works, shall be submitted to and

approved in writing by the Local Planning Authority.

Prior to the first beneficial use of the development, 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.

1. 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 0.4 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.

2. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

3. 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.

4. 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 6 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.

5. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of one car, together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 6 metres measured from edge of the adjoining carriageway along the centre line of

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

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

8. The width of the access carriageway, constructed as Condition 4 above, shall be not less than 5.5 metres for a minimum distance of 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

9. Prior to the first beneficial use of the development the applicant shall construct one passing bay shown on the approved drawing 'Passing Bay Location Plan'.

10. The passing bay referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly

notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Representations

Thirty- four members of the public have provided representations in respect to the above application. The letters can be summarised as follows:

- Loss of/impact to Ancient Woodland
- Loss of privacy to neighbouring properties
- Located in open countryside. Contrary to TD1
- Highway Safety concerns- single lane and narrow/steep
- Unacceptable precedent in the open countryside
- Does not consider impacts to those with disabilities
- Historic Landscape
- Noise impact
- Lighting impacts to habitats
- Visual Impact- highly conspicuous
- Impact to protected species
- Access- visibility splays across third party land
- No notice served
- Locally important site
- New road/parking area. Destructing Ancient Woodland
- No detail of services to cabin
- Impact to Grade II* listed building
- Flagship project for more cabins
- Incorrect information on application
- Impact to Public Right of Way

- Impact of septic tank/soakaways on Ancient Woodland

Planning History

App Ref	Description	Decision	Date
P/2017/1164	Siting of 2 holiday cabins	Withdrawn	

Principal Planning Constraints

Ancient Woodland
Public Right of Way
Listed Building

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026

DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SP2	Employment Growth	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

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

Site Location and Description

The application site is located within the community council area for Guilsfield. The application is located within an area of ancient woodland known as Llidiart Woods. Access to the site is located off Laundry Lane (County Unclassified Highway, U2432). Llidiart Woods itself is located with agricultural land located to the south and west with further woodland located directly to the north. To the eastern boundary then runs Laundry Lane.

Consent is sought for the erection of a single holiday unit. The proposed unit will measure approximately 7.2 metres in width by 7.8 metres in length reaching a height of 3.5 metres for the cabin itself whilst from the front elevation (including the timber supports) will reach a height of approximately 6.1 metres. The cabin will be clad (vertically) with scorched larch.

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 Background

By way as background to the application site, consent was previously sought under planning application P/2017/1164 for the change of use of land and erection of two holiday cabins. That application was later withdrawn by the applicants which then resulted in the resubmission of this application with a reduced number of cabins to a single holiday unit.

Principle of Development

Policy TD1 of the Local Development Plan (LDP) seeks to ensure that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

*1. Within settlements, where commensurate in scale and size to the settlement.
2. In the open countryside, where compatible in terms of location, siting, design and scale and well- integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*

- i. It is part of a farm diversification scheme; or*
- ii. It re-uses a suitable rural building in accordance with TAN 6; or*
- iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
- iv. It is not permanent in its nature.*

3. Accommodation shall not be used for permanent residential accommodation.

The application site is located within the open countryside as defined by the LDP, the cabin is to be erected within an area of woodland known as Llidiart Woods. The unit is in close proximity to the existing residential dwelling and a single timber cabin used as an annexe to the dwelling.

There are a number of local tourist assets all located under 5 miles from the application site. These are:

- Powis Castle.
- Welshpool Town Centre.
- Derwen Garden Centre and Farmshop.
- Montgomeryshire Canal.
- Llanfair and Welshpool Light Railway.

There are also a number of public footpaths running in close proximity to the application site with one running through the western boundary of Llidiart Woods itself.

Given therefore that the unit will complement existing tourism assets it is considered that a single unit is sympathetic to the surrounding area and would not have any unacceptable adverse harm to the enjoyment on any of the existing and established tourism assets and attractions and could in fact enhance visitors to these assets.

Subject to therefore appropriate conditions securing the holiday use of the unit as recommended by policy TD1, the proposed development is therefore considered in principle to fundamentally comply with relevant planning policy.

Design and External Appearance

Policy DM13 of the Local Development Plan (LDP) seeks to ensure 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 single holiday unit. The unit as proposed is single storey in design and will be supported on timber posts above ground level. The unit is a contemporary designed cabin with a flat roof and vertical larch cladding for the external walls.

Whilst supported on timber posts above ground level, it is considered that the cabin has been suitably designed to complement its surroundings. The cabin has a flat roof which

reduces its scale and clad with larch which aids in assimilating the cabin within the woodland setting.

Concerns have been raised regarding access to the unit for those with disabilities given that the unit is accessible only by an external staircase. The Equality Act 2010 makes it unlawful to discriminate against disabled people in the areas of the provision of goods, facilities and services; the exercise of public functions; premises, work and associations. The proposed holiday unit is therefore not considered to fall under these areas however whilst the concerns have been noted it is considered that this would ultimately however be a consideration for Part M Building Regulations.

It is therefore considered that the cabin has been designed to be in keeping with the character and appearance of the surrounding area and therefore fundamentally complies with relevant planning policy.

Landscape and Visual Impact

Policy DM4 seeks to ensure that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

LANDMAP identifies the area as being characterised as the following:

Geological Landscape- Outstanding
Landscape Habitat- Moderate
Visual and Sensory- High
Historic Landscape- Outstanding
Cultural Landscape- High

The Visual and Sensory evaluates the area as being *“An extensive area of rolling hillsides and pastureland with rounded hill tops. Vegetation is predominantly oak/mixed broadleaf woodland patches with well-defined small field parcels with a high incidence of overgrown/mature hedgerow trees. Strong sense of place with settled, domestic quality to the setting and displaying a traditional farmed landscape. Traditional farming techniques are evident i.e. hedge laying and general farming practice is extensive rather than intensive.”*

Policy DM4 seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity. Policy TD1 also supports this by confirming that sites should be, *“compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area.”*

The application site is located within an area of mature ancient woodland. The cabin has been designed to be raised on timber stilts to minimise impact to the woodland floor below and root protection of the existing trees which are to be retained. The cabin whilst suspended over the woodland floor, takes into account the existing topography of the land whilst still ensuring that the cabin is not situated higher or above the sky-line. The cabin given its location within the existing woodland is therefore considered to be well integrated into the landscape and through careful design and materials will not it is considered detract from the overall character and appearance of the surrounding area.

The application site is located within an area of 'Outstanding' historic landscape. LANDMAP identifies that the overall justification for the area as:

“Extensive area of irregular fields and woodland occupying the undulating hill land to the west of the Severn valley. Significant medieval and later agricultural remains, farmsteads and minor settlements, including high status farms and designed landscapes, but perhaps most notable for its high concentration of later prehistoric / Romano-British enclosed settlements and minor hillforts.”

The nearest listed building is located approximately 450 metres to the north-west of the application site (consideration to the impact upon setting will be provided in detail below) with the nearest Scheduled Ancient Monument (MG100 Bwlch Aeddau Dyke) being approximately 2.3km north-west of the application site. As considered above the cabin is considered to have been sensitively designed and located to reduce visual impact on the surrounding area. Whilst therefore the historic nature of landscape is noted it is not considered that this proposal would have any further unacceptable impact to its outstanding evaluation by nature of its location and scale.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and would not be seen as having a significant impact on the landscape and/or visual amenity.

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10), LDP: T1 and Technical Advice Note 18.

A number of concerns have been received in relation to highway safety along Laundry Lane and also regarding the area of land in which access is sought over.

Proposed Access

It has been brought to Powys County Council's attention that access to the application site is located over an area of land not within the control of the applicants. Evidence of notice served was submitted to the Local Planning Authority (LPA) and it is therefore considered that no prejudice has occurred given that all land owners are aware of and provided comments in respect to the works proposed.

It is noted that the access to the site itself is not located on land identified as open access land by NRW but the visibility splays will cross this area of land. Concerns are therefore raised over the visibility splays not being able to be achieved at times when forestry lorries or vehicles park on this area. The Highway Authorities have provided clarification to third parties that Manual for Streets (the guidance document which the Highway Authority uses to assess applications such as this one), accepts that parked cars may partially block a splay and that in slow speed situations that some encroachment is acceptable. If however vehicles park on the lane in an inconsiderate manner by either blocking the carriageway and/or private accesses, this would be a matter for the Police to enforce against.

However, it is noted that the Highway Authority have recommended conditions to ensure that the appropriate visibility splays will be ensured. Whilst it is acknowledged that this area of land does cross third party ownership, the LPA are satisfied that the appropriate visibility splays can be achieved within this location and therefore it is then the responsibility of the applicant to ensure that their development complies with all conditions.

In light of the above, and subject to some minor alterations to the wording of the conditions to ensure that should at any time the visibility splays be no longer achievable then the cabin and its use is removed/ceased from the land and it is returned to its former use. It is noted that there are no new turning/parking areas required with this development as there is a stone track area already existing. The condition ensuring a parking area for construction vehicles is in this instance therefore not considered to be necessary and its removal from any consent will therefore also ensure protection to the ancient woodland.

Proposed Passing Bays

Within the Highway Authority's initial correspondence a condition was recommended securing two additional bays to be agreed in writing by the Local Planning Authority prior to any works commencing of site. Given the sensitivity of the surrounding area (biodiversity) it was requested that information was provided prior to determination in order to ensure that appropriate highway upgrade works could be completed within the existing highway verge.

Following a site meeting, it was resolved that the provision of a new passing bay and localised widening in one area would ensure highway safety due to the expected increase in traffic with the one associated holiday cabin. These areas could be included within highway verge whilst also avoiding any areas of high ecological sensitivity. The Highway Officer completed a site visit and confirmed the areas identified were considered to be acceptable and could be accommodated within highway verge without significant engineering operations being required.

Given the works proposed it is therefore considered that the provision of a new passing bay and localised widening will appropriately satisfy highway concerns in relation to the

increased number of traffic movements in association with this holiday unit as proposed. It is therefore considered that the proposed development subject to appropriately worded conditions will not be seen as having an unacceptable impact to the existing highway network. The proposed development therefore fundamentally complies with relevant planning policy.

Biodiversity

- *Ancient Woodland*

Planning Policy Wales (Edition 10, 2018) (PPW) highlights the importance of Ancient Woodland as irreplaceable natural resources which have significant landscape, biodiversity and cultural value. PPW states that *“Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss.”* it further states that

“Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.” and where *“Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.”*

As recommended under PPW, NRW was consulted in relation to the proposed development. Whilst comments have been received from NRW, no comments have been responded directly in respect to the Ancient Woodland. Consideration has therefore been given to national and local policies and comments received from the Powys County Ecologist.

Powys LDP policy DM2 states that:

Development proposals which would impact the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, Woodlands and hedgerows of significant public amenity, natural or cultural heritage

In addition to part 5 of policy DM2 Ancient woodland would also be covered by Part 2 and Part 3 which states:

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. *The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or*
- ii. *There is no suitable alternative to the proposed development; and*
 - a) *It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and*
 - b) *Appropriate compensatory measures are secured; and*
 - c) *The population or range and distribution of the habitat or species will not be adversely impacted.*

Part 3 relates to locally important habitats and states that:

Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

- i. *They conserve and where possible enhance the natural heritage importance of the site, habitat or species; or*
- ii. *The development could not reasonably be located elsewhere; and*
 - a) *The benefits of the development outweigh the natural heritage importance of the site, habitat or species; and*
 - b) *Mitigation and/or compensation measures are provided where adverse effects are unavoidable.*

The Powys Ecologist has therefore considered the above and notes that the proposed development does not involve the removal of any trees from the woodland to accommodate the proposed cabin. In addition, an Arboriculture Impact Assessment and Arboriculture Method Statement including tree protection strategy has been identified to ensure that proposed construction activities will not detrimentally impact any of the existing trees surrounding the development. The proposed cabin location has been sited in an existing clearing in the woodland and the existing woodland track will be utilised. No additional tracks or pathways will be required to be created as part of the development.

It is noted that there will be some works proposed in relation to the services/ soakaways associated with the proposed cabin. These will be laid within plastic ducting and will run alongside the existing forestry track to avoid any impacts to the existing trees. The pipes will then be over banded and the Arboriculture Impact Assessment Report confirms that whilst this will involve raising the soil level the extent would be minimal and would not have a detrimental effect of the retained trees.

When considering PPW which states that ancient woodland should be “*afforded protection from development which would result in their loss or deterioration*” and policy DM2 which states that development should “*not unacceptably adversely affect*” it is considered that the proposed development due to its design, location and careful consideration would not result in any loss of existing trees/ habitats or its deterioration. It

is therefore considered that the proposed development would not adversely affect the ancient woodland habitat in which the proposed development is located.

It is noted that in support of the application a Woodland Management Plan has been submitted. The Powys Ecologist noted that many ancient woodland habitats have declined in condition due to lack of appropriate management – the plan identifies that *‘the woodland as it is has significant ecological potential however dense regeneration is resulting in an enclosed canopy preventing light penetration and effectively suppressing the growth of the field and shrub layer’*, which the Ecologist noted was consistent with what she observed when visiting the site. The Management Plan identifies that in order to increase the ecological potential of the woodland management activities are proposed to restore the vertical structure of the wood, which would be achieved through selective thinning of the canopy in order to allow the field and shrub layer to flourish and to continue coppicing on an annual rotational basis. The Ecologist considers that the proposed management strategy would improve the woodland habitat and increase benefits for biodiversity including dormice, bats, invertebrates etc.

It is therefore considered that the proposed development would conserve and provide enhancement to the existing ancient woodland whilst also providing wider benefits to biodiversity. It is therefore considered that the proposed development fundamentally complies with relevant planning policy and would not result in any adverse impacts to the ancient woodland.

- *Protected Species (Bats)*

An *Ecological Appraisal Report* was submitted in support of the application which comprised of a desk-based study, field surveys and an Extended Phase 1 Habitat Survey and Protected Species Walkover Survey.

Trees within 30 metres of the proposed cabin location were inspected for potential roost features to determine the potential for roosting bats to be present. These trees were found to be structurally sound with no suitable potential roost features.

Three activity transect surveys were undertaken in July and August 2018, the surveys recorded a total of seven species of bats within the site. Numbers of bats recorded indicate moderate bat activity and suggest a potential common and soprano roost nearby to the east of the site beyond Laundry Lane. Numbers and timings of recordings of Daubenton’s, Natterer’s, brown long-eared and lesser horseshoe bats suggested that these species are likely to commuting through Llidiart wood on their way to or from roost sites and/or foraging areas.

Whilst no evidence of bat roosts was found during the surveys the report identifies that the possible presence of bat roosts within the woodland cannot be completely ruled out. No trees will be lost because of the installation of the proposed cabin therefore it is considered that there would no potential for the loss of any bat roosting habitat. The main potential for impact to bats as a result of the proposed development would be introduction of artificial lighting, details regarding proposed lighting associated with the

development have been provided within the Ecological Appraisal Report. The lighting proposed has been assessed and has been considered as acceptable. NRW have also confirmed that enough information has now been received to address previous concerns regarding exterior lighting.

It was therefore considered by NRW and the Powys Ecologist that the proposed development would not be detrimental to the favourable conservation status of bats in their natural range.

- *Dormice*

There are however records of dormice within 1km of the proposed development and therefore further surveys were undertaken to determine whether this species was present in the woodland surrounding the proposed development. NRW have confirmed that whilst the survey suggests dormice were not present at the time of the survey, it does not however demonstrate absence from the site. NRW however does conclude that the development would not have a significant impact on the species if present.

A condition has been recommended to ensure checks are completed by an appropriate ecologist prior to commencement of access improvement works and removal of the hedgerow.

- *Badgers*

Evidence of badger activity was confirmed at the site in the form of setts, hairs, latrines, snuffles and paths/tracks. No setts were identified within the area of the proposed works and the closest badger evidence was identified over 60m from the proposed cabin location. A series of best practice reasonable avoidance measures have been identified to prevent disturbance of badger setts present in the wider area – the measures identified are considered to be appropriate and acceptable and in line with current guidelines regarding this species.

- *Hedgerow Removal*

Concerns were previously raised by the Powys Ecologist in relation to the works required to achieve the necessary visibility splays. Additional information was provided which confirmed that a total of 14 metres length of hedgerow would be directly impacted by the proposed visibility splays, 4 metres of which is proposed to be selectively thinned with the other 10 metre section requiring removal. A Hedgerow Impact & Mitigation Statement identified that it would involve coppicing the hedgerow, and any main stumps over 1m from the visibility splay would be retained and allowed to regenerate.

The Powys Ecologist noted that the Hedgerow Impact & Mitigation Statement provides suitable justification as to why it would not be possible to translocate the affected section of hedgerow and instead it is proposed to provide replacement infill planting to compensate for the loss of hedgerow shrubs in this section. The species mix proposed

is considered to be acceptable and appropriate and contains a more diverse selection of species than those which would be lost including a number of species that would provide additional benefits to biodiversity including providing a source of food for local wildlife. In addition, pre-commencement checks for dormice and nesting birds have been identified. The Powys Ecologist is therefore satisfied that the proposed measures are acceptable and in accordance with the requirements of LDP policy.

- *Proposed Passing Bays*

A site visit was completed by the Powys Ecologist who noted that the areas affected by the proposed passing bay and widening were found to be of low ecological value and the extent of works required would have minimal impacts to these areas. In light of the finding of the site visit, assessment of the areas affected and the submitted information provided within the Highways Improvements: Proposed Passing Places and Localised Widening document dated 29th July 2019, the Powys Ecologist is satisfied that provision of the required passing bays/widening would not result in the loss of negative impacts to biodiversity.

- *Birds*

The Ecological Appraisal Report identifies that the works will ideally be undertaken outside of the bird breeding season. In the event that this is not possible measures have been identified to be implemented to ensure no negative impacts to nesting birds including pre-works checks by a suitably experienced ecologist and implementation of suitable exclusion zones in the event that a nest is identified.

Subject to a condition ensuring compliance with the Ecological Appraisal Report it is considered that the measures identified are considered to be appropriate and in accordance with current best practice.

- *Biodiversity Conclusion*

In light of the above and in line with relevant national and local planning policies it is considered that that the proposed development would not have any unacceptable adverse impacts to matters of biodiversity and therefore subject to appropriately worded conditions it is considered that the proposed development can be managed to an acceptable level.

Built Heritage

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 in 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.

Policy SP7 of the LDP seeks to ensure that listed buildings and their curtilages are safeguarded and therefore development proposals must not have an unacceptable adverse impact on the resource or asset and its operation. Which is also supported by Technical Advice Note 24: The Historic Environment (2017).

It is noted that there is a grade II* listed building known as Llanerch Brochwel located within approximately 450 metres of the application site. The Built Heritage Officer notes that Llanerch Brochwel is located on a platform site overlooking the Guilsfield Brook valley, with an access drive from the junction with Laundry Lane and is a fine example of a sub-medieval farmhouse, with an exceptionally rich timbered porch block which is on the north of the house, illustrating the wealth and status of the occupants of the house at the time of its construction and as such the principal elevation of the house faces north and away from the application site.

The current siting of the proposed development is further to the east than the previous site and closer to the house known as Llidiart Wood. The cabin is set lower from the ridge line with trees around the site which are noted by the Built Heritage Officer.

The Built Heritage officer therefore considers that given the location of the cabin and the location of Llanerch Brochwel in the landscape that the setting of Llanerch Brochwel would not be adversely affected or harmed by the proposed development.

Subject to a condition ensuring that details of the colour of the cabin are secured prior to their first use it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Foul Drainage

The proposed cabin is proposing to utilise and connect to the existing septic tank which currently serves the existing dwellinghouse and additional unit. NRW and the Environmental Health department have been consulted and have confirmed that they have no objection to the proposed development.

As identified above consideration has also been given to the proposed positioning of the soakaway by the Powys Ecologist and no objections have been received.

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

Public Representations

Whilst several of the concerns raised have already been considered above in the relevant consultee sections, it is noted that there are a number of concerns outstanding which can be addressed as follows:

- *Privacy/ Noise impact to Neighbouring residential properties*

The nearest non-associated residential properties to the application site for the cabin are noted as being the following:

- Approximately 110metres to Stone Cottage
- Approximately 170 metres to Lane Bungalow
- Approximately 235 metres to Llidiart Rhedywen

It is of worth noting that the measurements are taken between the proposed cabin location and the neighbouring residential properties. However, with Stone Cottage, it is noted that the access visibility splays are directly adjacent to the neighbouring property which is located on the opposite side of the unclassified county highway (Laundry Lane).

Environmental Health were consulted on the proposed development and no comments or objections have been received in respect to the proposed development on neighbouring amenities. Whilst the concerns have been noted regarding the location of the site on an elevated area there is no evidence to suggest that a two bedroom cabin within this location adjacent to a county highway and in an area of mature woodland would have any unacceptable impact to the amenities of neighbouring residential properties.

- *Public Right of Way*

Concerns were raised regarding the potential impact to adjoining public right of ways. A public right of way does cross through the western boundary of Llidiart Wood and also a further one starts from the proposed access which then continues into the area of woodland directly north of the application site. Neither Public Right of Ways however directly adjoins or crosses through the application site for the proposed cabin.

The Powys Countryside Services team have been consulted and have confirmed that subject to an informative being attached to any grant of consent ensuring that the right of ways remain open and un-obstructed at all times then they have no objections to the proposed development.

RECOMMENDATION

Whilst the concerns raised from third party representations have been carefully considered, it is concluded that the proposed development would not result in the loss

or deterioration of the ancient woodland and in fact through conditions enhancement to these areas can be ensured which will in effect improve the biodiversity within this and the surrounding area. The proposed development in light of the consideration above is therefore considered to fundamentally comply with relevant planning policy and the recommendation is one of conditional consent.

Conditions

1 The development shall begin not later than five years from the date of this decision.

2 The development shall be carried out in accordance with the following approved plans and documents ST300, ST301 and ST302.

3 Prior to the first beneficial use of the development, all Highway Improvements, 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.

4 No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence. Should at any time following the implementation of the development hereby approved the visibility be no longer achievable then the development hereby permitted shall cease immediately until a scheme is submitted to and approved in writing by the Local Planning Authority.

5 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.

6 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 6 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.

7 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of one car, 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.

8 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 6 metres measured from edge of the adjoining carriageway along the centre line

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

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

10 The width of the access carriageway, shall be not less than 5.5 metres for a minimum distance of 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11 Prior to the first beneficial use of the development the applicant shall construct one passing bay and one area of localised widening shown on the approved document 'Highway Improvements: Proposed Passing Places and Localised Widening' dated 28th July 2019.

12 The passing bay and localised widening referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

13 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 have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

14 The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in Sections 5 & 6 of the Ecological Appraisal Report produced by Parkes Ecology dated November 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

15 The development shall be carried out strictly in accordance with the woodland management measures identified in the Woodland Management Plan (Reference - WMP2820.CYM.01GM) produced by Arbor Consultancy Ltd dated 19/12/2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

16 The development shall be carried out strictly in accordance with the measures identified in the Arboricultural Impact Appraisal Report (Reference - DEV2820.WAL.02GM) produced by Arbor Consultancy Ltd dated 12/12/2018 and detailed on Tree Survey Plan drawing reference Arbor 001 produced by Arbor Consultancy Ltd dated 14/12/2018, Tree Constraints Plan drawing reference Arbor 002 produced by Arbor Consultancy Ltd dated 14/12/2018, Tree Protection Plan drawing reference Arbor 003 produced by Arbor Consultancy Ltd dated 14/12/2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

17 The development shall be carried out strictly in accordance with the measures identified in the Hedgerow Impact & Mitigation Statement: Visibility Splay document dated 30th May 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

18 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain

details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

3 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

4 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

5 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

6 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

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11 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

12 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

13 To ensure a satisfactorily designed development in accordance with policies SP7, TD1 and DM13 of the Local Development Plan, Technical Advice Note 12: Design, Technical Advice Note 24- The Historic Environment and Planning Policy Wales (Edition 10, 2018).

14 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

15 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

16 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

17 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

18 To ensure occupation of the holiday unit hereby approved in accordance with policy TD1 of the Local Development Plan, Technical Advice Note 13: Tourism and Planning Policy Wales (Edition 10, 2010).

Informative Notes

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

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

2 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:

- o Intentionally kill, injure or take any bats.
- o 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:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

3 Rights of Way

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the

presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- o Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

4 SUDS

Having assessed the Planning Application Ref 19/0050/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website

<https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

5 Foul Drainage

NRW has no objection to this proposal providing that the discharge stays within the 2 cubic/metre/day limit. The application should be reminded that if they need to change the discharge point it would be considered a new discharge and they would need to register it as exempt/apply for a permit.

6 Highways

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Case Officer: Gemma Bufton, Principal Planning Officer
Tel: 01587 827505 E-mail: gemma.bufton1@powys.gov.uk

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NOTES:
 Do not scale off this drawing - it is the contractors responsibility to undertake site measurements prior to construction.
 All site work should be carried out in accordance with BS8000 - Workmanship on building sites.

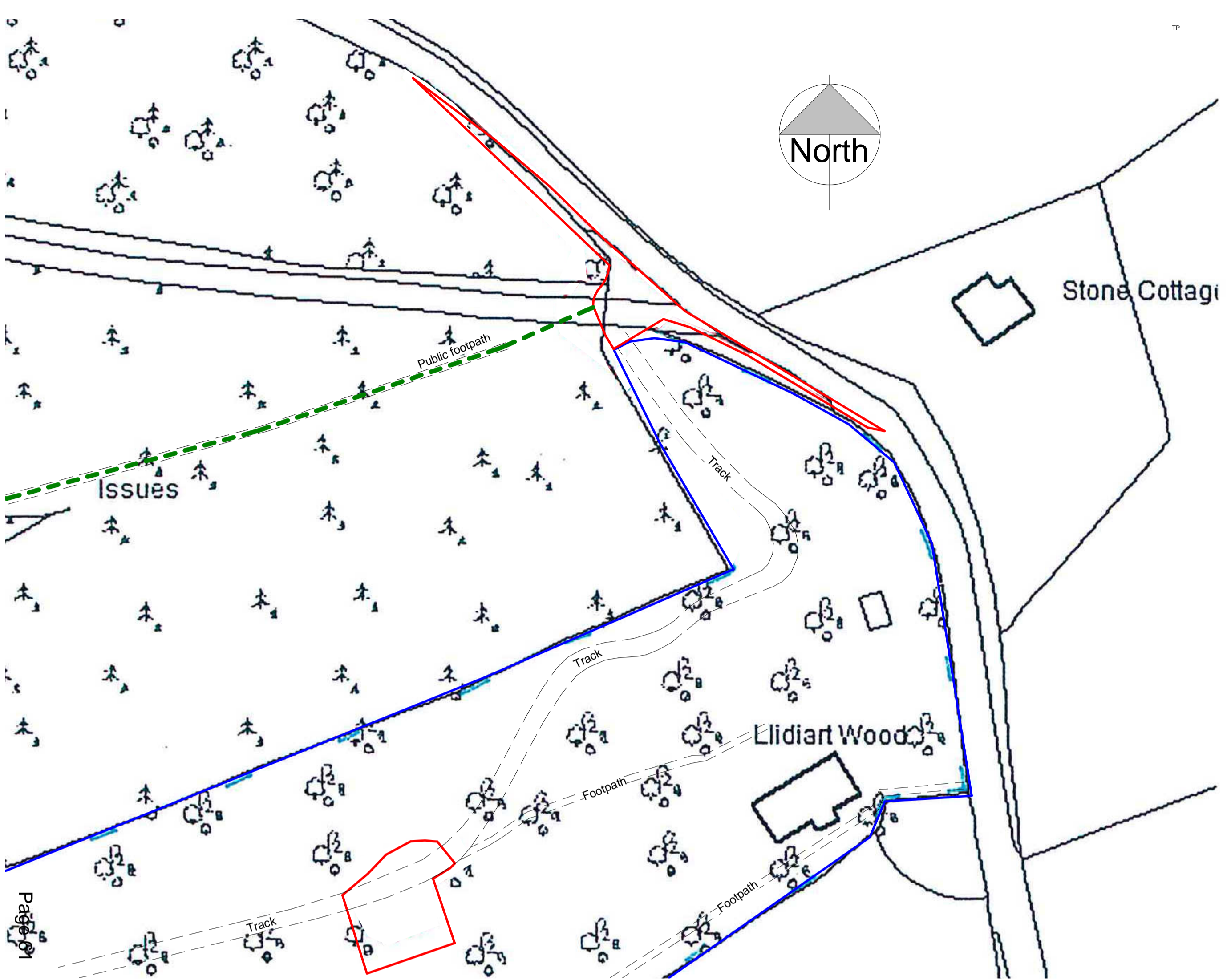
- KEY:**
- Planning boundary
 - Ownership boundary
 - - - Foul drainage
 - - - Storm water drainage
 - - - Visibility splays
 - - - Public rights of way

No.	Description	Date
A	Revised windows. Addition of decking to West elevation	17/09/2018
B	Addition of Car park plan for arborist	12/08/2018
C	Amendments to clients email 18/09/18	19/09/2018
D	Amendments following meeting on 20/09/18	02/10/2018
E	Amendments following meeting on 29/11/2018	04/12/2018
F	Amendments to retaining wall and stairs	17/12/2018
G	Amended ground floor plan to see all windows. Amended planning boundary. Rights of way added. North arrow added to Location plan	18/01/2019

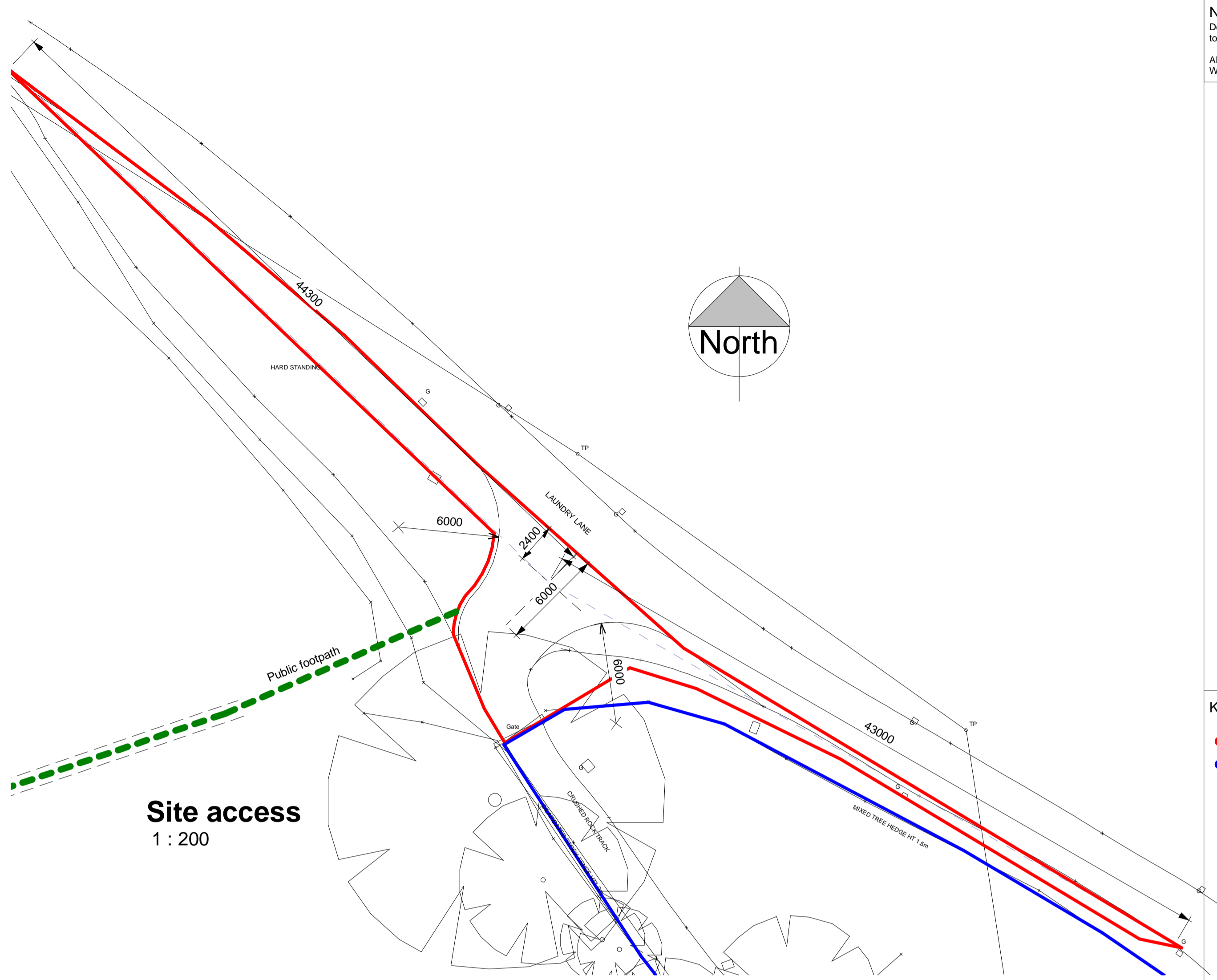


www.pycdesign.co.uk
 Penylan, Meifod, Welshpool.
 Powys. SY22 6DA
 Tel: 01938 500 797
 Email: sam@pycgroup.co.uk

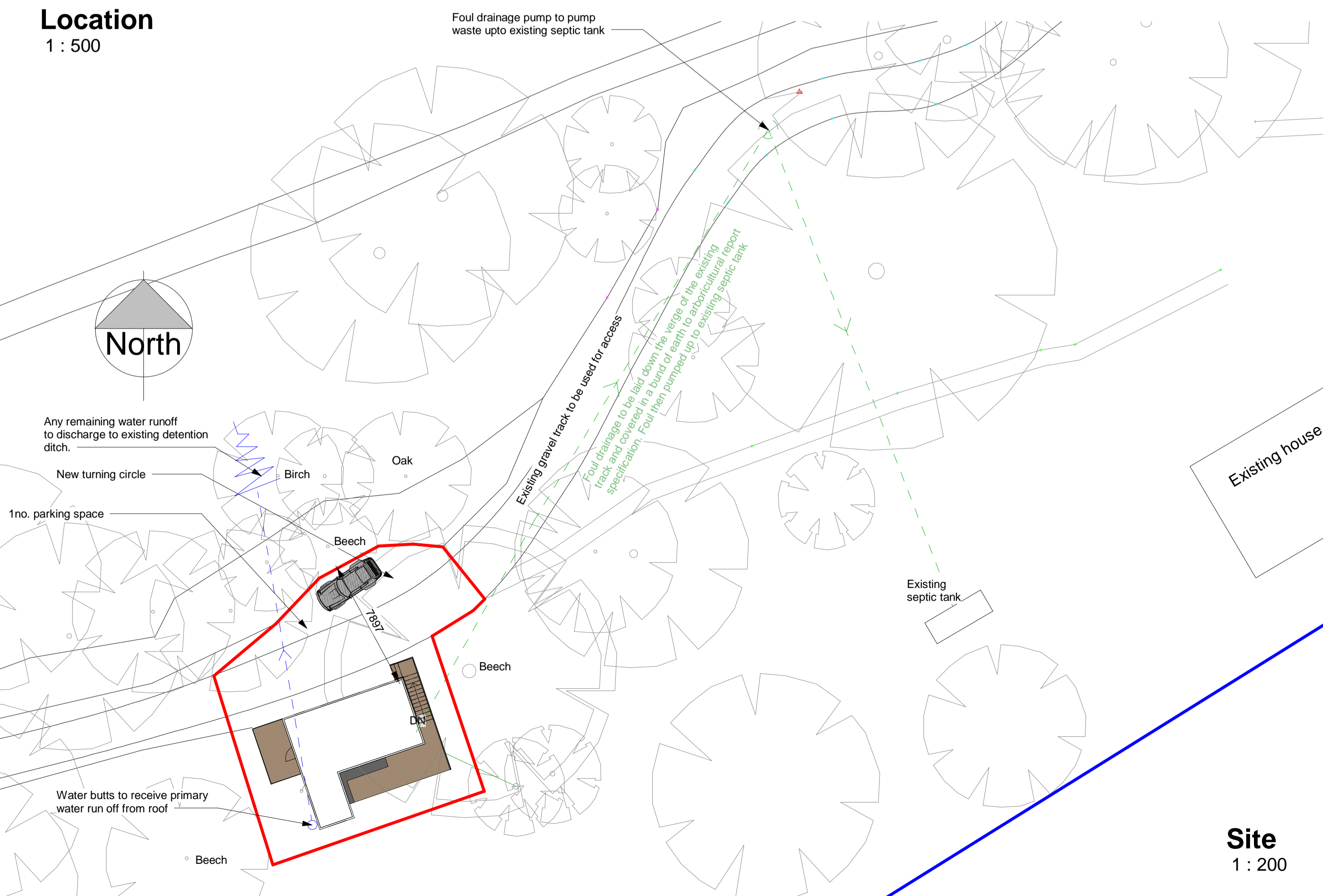
PROJECT:	Llidiart Wood Cabin		
JOB REF:	2016		
CLIENT:	Sophia & Pete		
SHEET:	Location & Site plan		
DRAWING NUMBER:	ST300		
DATE:	18/01/2019 16:56:51		
Scale (@ A1)	DRAWN BY:	CHECKED BY:	REV
As indicated	SR	JM	G



Location
1 : 500



Site access
1 : 200



Site
1 : 200

Highways:

The gradient of the access track shall not exceed 1 in 20 for the 6 meters measured from the edge of the adjoining carriageway along the centre line of the access.

The centre line of the first 6 meters of the access track measured from the edge of the adjoining carriageway shall be at right angle to that of the said carriageway.

Prior to the occupation of the external lodge building, provision shall be made within the curtilage of the site for parking of not less than one car. The parking area shall be retained thereafter and the reversing bay area shall be maintained at all times free from obstruction.

The width of the proposed access drive entrance into the site shall be not less than 5.5 meters wide for a distance of 6 meters minimum along the access track entrance measured from the adjoining edge of the carriageway of the county highway.

A radius of 6 meters shall be provided from the carriageway of the county highway on each side of the proposed access track into the development.

The centre-line of any new or relocated hedge-row should be positioned not less than 1 meter to the rear of the visibility splay line in both directions.

The access track shall be constructed so that there is clear visibility at the centre of the access track and 2.4 meters distance from the edge of the adjoining carriageway and 43 meters distance in both directions measured from the centre of the access along the nearside edge of the adjoining carriageway over land within the control of the applicant and/ or the highway authority and within which there shall be no obstruction to the visibility in excess of 1.05m above the nearside channel level of the adjoining highway.

Additional clear visibility shall be provided from a point 1.5m meters above ground level at the centre of the access track and 5.5 meters distance from the edge of the adjoining carriageway, to points 0.26 meters above ground level at the edge of the adjoining carriageway and 12 meters distance in each direction measured from the centre of the access track along the edge of the adjoining carriageway, prior to the commencement of any other works on the site.

Foul drainage:

Foul drainage to be supported over ground along the verge of the existing track. Pipework to be covered in a bund of earth to aborigine cultural report specification. Foul to be gravity fed to pumping station. The waste will be pumped up to an existing soakaway system, which also serves the existing house.

Storm drainage:

The only additional water run-off will come from the roof of the cabin, which is 40m2. The primary run-off will be attenuated by water butts. Overflow storm water, during peak flow periods, to overflow and discharge into existing detention ditch. Water butts to be sized by manufacturer. There will be no additional hardstandings, and therefore, will increase the storm water run-off.

Lighting

The drawings have incorporated the number and location of external lighting to ensure the impact on wildlife is reduced. All lighting will comply with the recommendation of the Ecology Appraisal.

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	18/0532/RES	Grid Ref:	E: 327624 N: 318306
Community Council:	Llandrinio And Arddleen Community	Valid Date:	03.10.2018

Applicant: Messrs W.R, J. R & T.J. Bowker

Location: Land Near Plas Foxen, Foxen Manor Road, Four Crosses, Llanymynech, Powys SY22 6RG

Proposal: Reserved matters application for details of access, appearance, landscaping, layout and scale in connection with proposed 49 dwellings, garages, access road, footpaths, public open space and associated works

Application Type: Reserved Matters

The reason for Committee determination

The application has been called-in to committee by the Local Member, Cllr Lucy Roberts

Consultee Responses

Consultee

Received

Community Council

21st Nov 2018

Re: 18/0532/RES - Reserved matters application re; 49 dwellings at land adj Foxen Manor, Four Crosses.

Llandysilio Community Council have considered the above at its meeting held on Thursday 22nd November 2018.

The Community Council wish to OBJECT to the above application and wish to make the following comments;-

1. Contrary to Policy DM13 - Design and Resources

This Policy asks that Development Proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

a) The plans submitted show a density of housing which does not allow sufficient car parking space per property. There are at least 20 plots where the cars are parked behind each other - this will ultimately lead to residents parking their vehicles on the street rather than have to keep moving the car behind.

b) Another requirement of Policy DM13 is that any development must incorporate adequate amenity land. The proposed layout has resulted in the Play Area being located adjacent the Sarn Wen Brook which is unacceptable considering that the Brook will not be fence and particularly dangerous when maintenance work is being carried out to clean the Brook. The Community Council is concerned that if a child were to fall in the brook that it would not be able to climb out.

c) Policy DM13 also states that all development proposals should demonstrate that the local highway network can absorb the traffic impacts of the development. Condition 14 of the Outline permission granted stated that detailed engineering drawings of the mini-roundabout are needed together with a Stage 2 safety Audit - again these have not been supplied. The Community Council has recently contacted the Police as they are concerned about villages speeding along the B4393 through Four Crosses and the implications of a roundabout at this location and its associated build out need to be carefully evaluated.

2. Contrary to Policy DM3 - Public Open Space

For developments of over 10 dwellings, the Powys Development Plan looks for an assessment to have been carried out of the provision in the area and where there is a need to make up the required provision. There is also a requirement that arrangements are in place for the long term aftercare and maintenance of the Public Open Space/Play Area. No details of an assessment have been submitted and no details as to how it will be managed in perpetuity.

Condition No 35 of the outline planning permission, P2016 1016 states that at the Reserved matters stage , a scheme for the provision of an equipped Play Area shall be submitted along with a timescale for the provision of the completed Play Area.- no timescale has been submitted.

3. Contrary to Policy DM6 - Flood Prevention Measures and Land Drainage.

This Policy states that developments adjacent to a watercourse should leave an appropriate buffer strip and allow for routine maintenance. It also says that such sites should have a maintenance strategy.

The Community Council is concerned as to who will bear the responsibility of clearing the debris when the Brook is cleaned out. The Sarn Wen brook is a crucial drainage feature of Four Crosses and the surrounding area and any blockages or debris will have a catastrophic effect on those properties further downstream.

It is also noted that there are 2 attenuation ponds on the site and the same question applies to these - who will be responsible for maintaining them.

Condition 9 also states that the existing site access culvert must be removed and a detailed method statement submitted - no details have been submitted.

The Community Council wish to speak at the Planning Committee meeting if possible depending on the date and venue.

Community Council

4th Mar 2019

Re; 18/0532/RES - Reserved matters application in connection with proposed 49 dwellings at land near Plas Foxen, Four Crosses

Llandrinio & Arddleen Community Council have considered the additional information submitted at a meeting held on Monday 4th March 2019..

Councillors wish to OBJECT to this application for the following reasons;-

1. Contrary to Policy DM13 - Design and Resources - it is very concerning to note that the Highways Dept have responded to say that the access has been changed to that agreed at the Outline stage and that the Road safety Audit therefore is not valid.

Condition 14 of the Outline permission granted stated that detailed engineering drawings of the mini-roundabout are needed together with a Stage 2 safety Audit - again these have not been supplied.

This Policy asks that Development Proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

a) The plans submitted show a density of housing which does not allow sufficient car parking space per property. There are at least 20 plots where the cars are parked behind each other - this will ultimately lead to residents parking their vehicles on the street rather than have to keep

moving the car behind.

b) Another requirement of Policy DM13 is that any development must incorporate adequate amenity land. The amended layout has resulted in the 2 Play Area's being located adjacent the Sarn Wen Brook which is unacceptable considering that the Brook will not be fenced and particularly dangerous when maintenance work is being carried out to clean the Brook.

2. Contrary to Policy DM3 - Public Open Space

No details of an assessment have been submitted as to what type of Play equipment is needed and the management details as suggested of the householders being invited to join are not acceptable - who is going to pay if the resident's decided not to join?

3. Contrary to Policy DM6 - Flood Prevention Measures and Land Drainage.

This Policy states that developments adjacent to a watercourse should leave an appropriate buffer strip and allow for routine maintenance. It also says that such sites should have a maintenance strategy.

The Community Council is concerned as to who will bear the responsibility of clearing the debris when the Brook is cleaned out. The details of the Management Company s submitted is not acceptable. The Sarn Wen brook is a crucial drainage feature of Four Crosses and the surrounding area and any blockages or debris will have a catastrophic effect on those properties further downstream.

It is also noted that there are 2 attenuation ponds on the site and the same question applies to these - who will be responsible for maintaining them.

Condition 9 also states that the existing site access culvert must be removed and a detailed method statement submitted - no details have been submitted.

The Community Council reserves the right to speak at the Planning Committee.

Community Council

23rd Sept 2019

Llandrinio & Arddleen Community Council have considered the additional information submitted at a meeting held on Thursday 19th September 2019.

Councillors wish to OBJECT to this application for the following reasons:-

1. Contrary to Policy DM13 – Design and Resources –

Councilors remain concerned that no recent evaluation of traffic speeds along the B4393 from Crabtree Corner through to Four Crosses has taken place. Councillors continue to receive complaints of vehicles exceeding the speed limit as they go past the entrance to Laburnum Meadows – they are concerned that the priority build out to be installed here as part of this scheme has not been fully evaluated.

There are also concerns with vehicles being parked on the regular basis on the opposite side of the road to the proposed roundabout which will again affect the flow of traffic.

2. Contrary to Policy DM3 – Public Open Space

Further details are needed with regard to the formation of the Management Company and how this will be funded in perpetuity.

3. Contrary to Policy DM6 – Flood Prevention Measures and Land Drainage.

Councillors agree that the erection of a fence would prevent small children from accessing the brook – they would however suggest that it should be a palisade/picket fence rather than post and rail so that it does not give children an opportunity to climb over.

Councillors are very concerned that the long term maintenance of this Brook has not been adequately secured. At the present time 14 dwellings can be built without it being formed and if the ditch was to be routinely cleaned out in this time who would pay for the spoil to be removed? We would also like to point out that this spoil would have to be treated as contaminated waste as it includes oil/petrol etc from the road. This Policy states that developments adjacent to a

watercourse should leave an appropriate buffer strip and allow for routine maintenance. Councillors feel that the proposed layout does not allow room for a 13 tonne excavator to work safely and to load the spoil into trailers.

The Policy also says that such sites should have a maintenance strategy. This strategy also needs to include the addition of the maintenance of the fence so that it remains in perpetuity. We would ask that a strategy is formed for the site together with details of how the monies are to be secured.

The Sarn Wen brook is a crucial drainage feature of Four Crosses and the surrounding area and any blockages or debris will have a catastrophic effect on those properties further downstream.

The Community Council reserves the right to speak at the Planning Committee.

Ward Councillor

24th Oct 2018

I would like to call this application for reserved matters in to committee. One of my concerns is that there is insufficient parking allocated to the larger houses. I am aware that there are currently access problems arising on a number of older estates in my ward where residents have more vehicles than allocated parking spaces and this is resulting in access roads becoming very congested and potentially limiting access to emergency services.

Wales & West Utilities - Plant Protection

26th Oct 2018

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

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Wales & West Utilities - Plant Protection

29th Aug 2019

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Hafren Dyfrdwy

24th Oct 2018

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

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

I have been unable to locate any drainage plans for this application, and therefore request that the drainage related condition remains.

To help us provide an efficient response please could you send all responses to APPlanning@hdcymru.co.uk rather than to named individuals, including the HD ref within the email/subject.

If you would like a copy of this in Welsh, please let us know.

Hafren Dyfrdwy

4th Sep 2019

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

I have been unable to locate any drainage plans for this application, and therefore request that the drainage related condition remains.

PCC-(N) Highways

3rd Dec 2018

This application should be Refused.

Reasons for Refusal

Whilst it is acknowledged that access was considered at Outline stage, it is noted that the site access is in a different location under this application from what was previously conditioned.

As the site access is in a different location from the Outline consent, we are of the opinion that the Stage 1 Safety Audit is likely to be invalid and may require to be reassessed under the currently proposed location.

The proposed layout of the estate road (Road 1) cannot be considered as the connection to the County Highway is not in accordance with the previously consented access.

It is further noted that the applicant has indicated on the application form that they wish to 'Access' to be considered as a reserved matter, however, access has already been determined at 'Outline' stage.

No widths have been submitted for the proposed roads and/or footways.

No details of gradients for the proposed footways and roads.

No detail of any Equality Act 2010 compliant pedestrian crossings have been submitted for consideration.

The footpath to the Play Area terminates straight onto Road 1 in absence of any pedestrian safety

No measurements have been submitted for the proposed turning heads, nor have any swept path drawings been submitted to evidence safe manoeuvres of a Refuse Vehicle. Furthermore, the turning head on Road 3 is poorly aligned.

Clear forward visibility has not been indicated across the internal road layout.

The application does not provide evidence of compliance with the Active Travel (Wales) Act 2013.

The surface water drainage for the proposed carriageways along with the proposed outfall needs to be shown on plan.

No details have been submitted regarding the proposed estate road[s] traffic calming measures, raised tables or street lighting.

No clarification regarding the number of parking bays has been provided.

PCC-(N) Highways

13th May 2019

The County Council as Highway Authority for the County Class II Highway, B4393

Wish the following recommendations/Observations be applied
Recommendations/Observations

The development shall be carried out in accordance with drawing numbers FC-GA-302 Rev B, FC-GA-301 Rev B & FC-GA-300 Rev B.

Notwithstanding the submitted details on drawing numbers FC-GA-302 Rev B, FC-GA-301 Rev B & FC-GA-300 Rev B the Highway Authority wish the following conditions to be applied to any consent given.

1. 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 **0.4 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.
2. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) 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.
3. The private drives and turning areas as shown on the approved Block Plan Drawing shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of the dwelling and retained as such for as long as the development remains in existence.
4. No surface water drainage from the site shall be allowed to discharge onto the county highway.
5. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the

junction with the existing county highway.

6. 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.

7. Any vehicular entrance gates installed within the application site shall be set back at least **5.5 metres** distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

8. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 30 and shall be retained at this gradient for as long as the dwellings remain in existence.

9. Prior to first occupation of any dwelling on the site, a 20mph Zone shall be implemented that covers the internal estate road. The developer shall pay the reasonable costs incurred by Powys County Council for the implementation of the requisite Traffic Regulation Order, in addition to the manufacture and erection of the associated signage.

PCC-Ecologist

22nd Nov 2018

Thank you for consulting me with regards to planning application 18/0532/RES which concerns an application for reserved matters application for details of access, appearance, landscaping, layout and scale in connection with proposed 49 dwellings, garages, access road, footpaths, public open space and associated works at Land Near Plas Foxen, Foxen Manor Road, Four Crosses.

The proposed landscaping associated with the planning application detailed in the following documents submitted;

- o Planting Specifications drawing reference LD24 - 008 produced by access 2 trees dated July 2018
- o Plant/Material Examples drawing reference LD24 - 006 rev01 produced by access 2 trees dated July 2018
- o Planting Schedule drawing reference LD24 - 005 rev03 produced by access 2 trees dated August 2018
- o Landscape detail pg1 drawing reference LD24 - 002 rev03 produced by access 2 trees dated August 2018
- o Landscape detail pg2 drawing reference LD24 - 003 rev04 produced by access 2 trees dated August 2018

From reviewing the above submitted information I considered the proposed landscaping is appropriate and acceptable. Therefore, I recommend that condition 12 of the outline planning consent for planning application P/2016/1016, should be replaced with a condition ensuring adherence to the landscaping plans.

The type and location of bird and bat boxes proposed to be incorporated within the final design of the development is considered to be suitable.

The proposed external lighting referred to in the Design and Access Statement dated September 2018 section 3.29, 3.30 and 3.31 have not been illustrated/shown on any plans submitted with this application.

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

The Landscaping and Planting Schedule produced by access 2 trees detailed and illustrated on architectural plans; Planting Specifications drawing reference LD24 - 008 dated July 2018, Plant/Material Examples drawing reference LD24 - 006 rev01 dated July 2018, Planting Schedule drawing reference LD24 - 005 rev03 dated August 2018, Landscape detail pg1 drawing reference LD24 - 002 rev03 dated August 2018, Landscape detail pg2 drawing reference LD24 - 003 rev04 dated August 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's 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.

PCC-Ecologist

26th Mar 2019

Thank you for consulting me with regards to planning application 18/0532/RES which concerns an application for reserved matters for details of access, appearance, landscaping, layout and scale in connection with proposed 49 dwellings, garages, access road, footpaths, public open space and associated works at Plas Foxen, Foxen Manor Road, Four Crosses.

From reviewing the proposed Tree/Habitat Protection Plan produced by access 2 trees landscaping design dated February 2019 drawing reference LD24 - 008 REV 4 shows that tree number (referenced as) T25, T29 and T23 - it is anticipated that these trees will require removal to facilitate the development proposals.

Within the Ecology report submitted to support the outline application P/2016/1016 - Phase 1 Habitat Survey Report produced by Seasons Ecology dated April 2014 report reference number SET1122_01 recommends that; if proposals will affect any mature tree, either directly or indirectly then further surveys should be undertaken to establish presence and status of roost (if any).

The submitted Ecology Report has not assessed the trees referred to as T25, T29 and T23 in the Arboricultural Survey, Impact Assessment and Daft Tree Protection Plan produced by Pegasus Group dated 25.03.15 for its biodiversity value - in that no information has been provided with regards to the potential for these trees to support protected or priority species in particular bat species - being European Protected Species.

Condition 36. Of the Outline Planning Decision Notice (P/2016/1016) states; The recommendations regarding species and habitats identified in Section 6 (Table 2) of the Ecological Report by Seasons Ecology dated April 2014 shall be adhered to and implemented in full.

A highlighted above within the Ecology Report it has been stated that if trees will be directly (or indirectly) impacted by the proposed developments then further surveys are considered necessary.

Therefore, it is considered at this stage that there is insufficient information with regards to biodiversity - namely impacts to European Protected Species - a Material Consideration in the planning process has been provided with the application, as such further information is required to be submitted prior to determination of the application to address this.

It is recommended that further information to enable assessment of the potential for the removal of the trees to result in a negative impact to protected species they may support. Further information to address this concern could take form of -

- o Ecological Survey of the trees (that are proposed to be removed) to assess their value to biodiversity - in particular to support roosting bats

The request for further information is based on the fact that bats are a European 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.

Once this additional information has been provided it will ensure that if any mitigation measure proposed is appropriate and ensure that no negative impacts to the favourable conservation status of this species.

PCC-Ecologist

21st Jun 2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 18/0532/RES.

The additional information in form of a Bat Survey Report has been provided in response to a request for further information to enable the LPA to assess the potential impacts of the proposed development to biodiversity - in particular regard to bat species, bats being European protected species.

It was noted in previous ecological assessment undertaken at the site; that if trees are required to be felled to accommodate the proposed development then further protected species surveys must be carried out.

The submitted plans supporting the current reserved matters application provided information that a further four trees were proposed to be impacted by the developments. Therefore, it was considered that further surveys regarding bats (and other protected species) were required to be submitted in order to comply with condition 36 of the outline planning permission decision notice P/2016/1016.

I have reviewed the submitted Bat Survey produced by Seasons Ecology dated April and May 2019. I consider that the survey effort employed was in accordance with National Guidelines

Four trees were inspected for their potential to support protected species. The four trees have been identified as T20, T23, T25 and T29 within the Arboriculture report.

The trees were inspected on two occasions. On the 15th April when the trees were assessed from the ground for their bat roosting potential, and again on the 6th May where a climbing inspection of the trees were undertaken.

Following the two assessments it has been concluded that trees referenced as T20 and T23 are considered to provide moderate roosting potential for bats. T25 is considered to be low potential to support roosting bats and that T29 does not provide any features suitable for roosting bats.

Therefore the report concluded that given the limited roosting opportunities on-site and lack of evidence found, it is considered extremely unlikely that bat are making use of these trees for roosting opportunities.

Therefore within section 5 of the Bat Survey report it has been recommended that a Reasonable Avoidance Method Statement is implemented and adhered. The Reasonable Avoidance method Statement include;

The trees identified as having moderate and low bat roost potential should be felled under precautionary methods of working:

- o Prior to felling a visual inspection should be carried out;
- o Timber with potential roost features should not be sawn directly through;
- o Timber with potential roost features should be carefully lowered to the ground; and,
- o Sawn timbers should be left at the base of the tree for at 48 hours prior to removal.

Compensation and Avoidance measures include;

- o In corporation of a sensitive lighting scheme
- o Compensation for the loss of roosting opportunities on site and potential nesting site for birds.
- o Additional wildlife friendly landscaping

I note from reviewing submitted plans produced by access 2 trees landscape design dated February 2019 drawing reference LD24-008 rev04 that the trees proposed to be removed felled are T23, T25 an T29.

Therefore I recommend that implementation of the Reasonable Avoidance Method Statement and compensation measures identified within the ecological report are secured through and appropriately worded condition.

Within section 4 of the Bat Survey report it has been noted that any additional lighting in relation to the development scheme may cause disturbance to bats within the area. From reviewing the lighting plan reference number FC-PL-307:RevA dated November 2018 produced by Woodsyde Developments Ltd I note there is a street lamp proposed within/close to the trees at the end of Road No.2. Bat boxes are to be positioned within these trees - therefore the location of the street lamp has potential to cause disturbance to bat within this area. Therefore I recommend that the lamppost at the end on Road No.2 (opposite turning/at T junction) should be position to avoid any light spill into the trees (tree reference T21 and T22) to avoid any potential disturbance to bats. I recommend that an appropriately worded condition is included to secure the location of this streetlight does not negatively impact bats at this site.

Given the identified Mitigation, Avoidance and compensation measures regarding bats are implemented and adhered to - 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.

Therefore, should you be minded to approve the application I recommend inclusion of the

following conditions:

The Reasonable Avoidance Method Statement regarding Bat and the removal of trees detailed within section 4 and 5 of the Bat Survey Report produced by Seasons Ecology Report Ref SET1122_02&03 dated 20 May 2019 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Landscaping and Planting Schedule produced by access 2 trees detailed and illustrated on architectural plans; Planting Specifications drawing reference LD24 - 008 dated July 2018, Plant/Material Examples drawing reference LD24 - 006 rev01 dated July 2018, Planting Schedule drawing reference LD24 - 005 rev03 dated August 2018, Landscape detail pg1 drawing reference LD24 - 002 rev03 dated August 2018, Landscape detail pg2 drawing reference LD24 - 003 rev04 dated August 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

I recommend inclusion of the following informative:

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

- o intentionally take or destroy the egg of any wild bird
- o 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.

PCC-Ecologist

5th Sep 2019

I have reviewed the following submitted information;

- o Method Statement for removal of the concrete culvert produced by Woodsyde Development Ltd Development Consultants
- o Tree Protection Plan produced by access 2 trees landscape design drawing number LD24-008 rev 06 dated Aug 19
- o Planting Specifications produced by access 2 trees landscape design drawing number LD24-007 rev 01 dated July 19
- o Planting Schedule produced by access 2 trees landscape design drawing number LD24-005 rev 06 dated Aug 19
- o Landscape Master Plan produced by access 2 trees landscape design drawing number LD24-001 rev 08 dated Aug 19
- o Landscape detail pg1 produced by access 2 trees landscape design drawing reference LD24 - 002 rev07 dated Aug 19
- o Landscape detail pg2 produced by access 2 trees landscape design drawing reference LD24 - 003 rev08 dated Aug 19
- o Landscape detail pg3 produced by access 2 trees landscape design drawing reference LD24 - 004 rev08 dated Aug 19

From reviewing the above submitted information I considered the proposed method statement regarding the removal of the concrete culvert, tree protection plan and landscaping is appropriate and acceptable and that adherence and implementation of the proposed plans are secured through an appropriately worded condition.

Therefore, further to my previous consultation response dated 21 June 2019 should you be minded to approve the application I recommend inclusion of the following conditions:

The Landscape Planting Plan detailed and illustrated with proposed plans namely Planting Specifications produced by access 2 trees landscape design drawing number LD24-007 rev 01 dated July 19, Planting Schedule produced by access 2 trees landscape design drawing number LD24-005 rev 06 dated Aug 19, Landscape Master Plan produced by access 2 trees landscape design drawing number LD24-001 rev 08 dated Aug 19, Landscape detail pg1 produced by access 2 trees landscape design drawing reference LD24 - 002 rev07 dated Aug 19, Landscape detail pg2 produced by access 2 trees landscape design drawing reference LD24 - 003 rev08

dated Aug 19 and Landscape detail pg3 produced by access 2 trees landscape design drawing reference LD24 - 004 rev08 dated Aug 19 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Tree Protection Plan detailed and illustrated with proposed plans namely Tree Protection Plan produced by access 2 trees landscape design drawing number LD24-008 rev 06 dated Aug 19 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Working Method Statement regarding removal of the concrete culvert shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales (North) DPAS

24th Jun 2019

Thank you for consulting Natural Resources Wales (letter dated 06/06/2019) regarding the above.

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

Multiple plans have been submitted to address different aspects of the proposal, landscaping, ecology, Sustainable Drainage Systems (SuDS), kerbing, lighting and the latest submitted plan (site plan rev E). Specific comments related to ecology, SuDS and Internal Drainage Districts (IDD) constraints are addressed in the sections below.

Summary of Requirements and Conditions

Requirement 1 - IDD: The submission of revised plans to demonstrate there will be an unobstructed 8m wide buffer area from the edge of the Sarn Brook that will be required for Internal Drainage District (IDD) asset management purposes.

Requirement 2 - IDD: Prior to determination the submission of a surface drainage scheme to include: (a) Ground investigations; (b) construction details of the surface water attenuation pond; (c) details of the hydro brake chamber and associated pipes layout, to demonstrate the appropriateness of the system at the proposed location.

Condition/Obligation 1 - IDD: The submission and implementation of a long-term management plan for the IDD maintenance strip which must include appropriate tenure and provision of resources (i.e. index linked ground rent service charges and/or commuted sum).

Condition 2 - Bats: All avoidance and mitigation measures described in section 5 of the bat report are secured through planning conditions and/or a Section 106 agreement.

Condition 3 - Bats: The submission, agreement and implementation of a site lighting plan.

Condition 4 - Biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Internal Drainage District (IDD)

NRW has provided comments with regards to IDD requirements in our response letter to the outline planning application P/2016/1016.

It is our opinion that some of the concerns expressed at outline stage remain outstanding, namely:

- o We have clearly indicated that an 8m access strip is provided along full length of the Sarn Wen Brook to allow an excavator to maintain the watercourse. This is a Powysland IDD bylaw requirement which states: 'No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 8 metres of the landward toe of the bank where there is an embankment or wall or within 8 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 8 metres of the enclosing structure.'

The latest plan (drawing 2415-SITE 01) clearly illustrates the 8m buffer area required for maintenance purposes, however, this area is not free from obstructions. Ornamental trees are illustrated to the west of access road number 2, within the buffer. Furthermore, a review of the kerbing a lighting plan (drawing FC-PL-306: revA) reveals that trees are not present along the road, but lighting posts will be erected within the 8m buffer. It is, therefore, our opinion that this issue still needs addressing appropriately prior to determination. All current plans should portray the same information and not contradict each-other to avoid any confusion.

Requirement 1 - IDD: The submission of revised plans to demonstrate there will be an unobstructed 8m wide buffer area from the edge of the Sarn Brook that will be required for Internal Drainage District (IDD) asset management purposes.

Whilst we have no concerns in relation to the presence of access roads with low kerbs within the 8m buffer, the developer must be informed that the maintenance of the brook is carried out by 13tonne excavators. Use of this machinery is very likely to cause damage to tarmac and kerbs and operations would also require a road closure to avoid a risk to the public. All these hazards and associated risks can be eliminated at this design stage by ensuring a continuous 8m access strip which is not hindered by roads and other infrastructures. This would also reduce the maintenance costs for road repairs.

- o The technical detail of the proposed SuDS measures has not yet been submitted. Some information has been provided within the notes on the 'General Arrangements Plan' drawing FC-GA-302: Rev A, however no details of construction and ponds cross sections have been produced to date. We are concerned that some aspects of design have not been given the appropriate consideration. The depth of the SuDS attenuation ponds will be an important aspect due to their close proximity to the brook and the access strip. The applicant must demonstrate that consideration to how the use of a 13t machine working between the brook and the pond, will affect the ponds slope stability and the hydraulic connectivity between the SuDS pond and the brook. Ground investigation need to be carried out and a detailed design for the SuDS must be in place prior to commencement of works.

Requirement 2 - IDD: Prior to determination the submission of a surface drainage scheme to include: (a) Ground investigations; (b) construction details of the surface water attenuation pond; (c) details of the hydro brake chamber and associated pipes layout, to demonstrate the appropriateness of the system at the proposed location.

This information will also be needed when applying for Land Drainage Consent to demonstrate

the feasibility of the proposal.

o o The maintenance operations carried out by the IDD will generate piles of spoil which are normally accumulated on the side of streams/ditches. There are currently no details of how the 8m IDD buffer strip will be managed and by whom. An agreement with the future owner of the Brook must be secured to determine how the maintenance strip will be managed, how access for IDD maintenance purposes will be retained in perpetuity and how the arisings from the maintenance of the watercourse will be disposed of (left laying on the access strip or loaded into a suitable tractor and trailer provided by the land owner). We recommend that a management plan is secured via appropriately worded condition or obligation (Section 106 agreement).

Condition/Obligation 1 - IDD: The submission and implementation of a long-term management plan for the IDD maintenance strip which must include appropriate tenure and provision of resources (i.e. index linked ground rent service charges and/or commuted sum).

Additional comments on aspect related to SuDS and IDD maintenance are given in the 'Advice for the developer' section at the bottom of this letter.

Protected Species

We are satisfied that the Bat Survey report submitted in support of the above application dated April and May 2019 by Seasons Ecology is satisfactory for the purposes of informing the public decision-making process.

No EPS were found present within the trees affected by the proposal however existing vegetation is likely to be used by bats for foraging and commuting.

The report refers to the need for tree removal (T20, T23, t25 and T29). The submitted tree/habitat protection plan drawing LD24 -008 rev 04 only identifies three of the above-mentioned trees for removal and T20 is marked for retention. Furthermore, all of the above trees appear to be kept on the latest submitted site plan drawing No. 2415 - Site 01 rev E.

There is therefore unclarity on the full extent of vegetation removal required at this site.

We advise that clarification is thought on this and that conditions on Root Protection Zone measures are included within the determination.

The applicant should also be advised that removal of trees prior to secure planning consent may require a felling license. Please refer to the informative section at the bottom of this letter.

We welcome the recommendations for avoidance measures and ecological enhancements made in the bat report. Provided these are secured via appropriately worded conditions, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 2 - bats: All avoidance and mitigation measures described in section 5 of the bat report are secured through planning conditions and/or a Section 106 agreement.

If bats are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

We welcome the recommendations on lighting within section 5.1.6 of the report and we advise that you secure their implementation via appropriately worded conditions.

Condition 3 - bats: The submission, agreement and implementation of a site lighting plan.

Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site) and otters (river corridor). Low level and low wattage, as well as low pressure sodium or high-pressure sodium lamps, should be preferred to mercury or metal halide lamps.

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 Condition 4 - Biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the

satisfaction of the LPA.

We consider that this assessment must include

- i (i) appropriate measures to control any INNS on site, if present; and
- ii (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

We refer you to the GB non-native species secretariat 'Check, Clean, Dry' guidelines which also apply to the use of machinery on construction sites.

<http://www.nonnativespecies.org/checkcleandry/index.cfm>

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the developer:

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.

Ordinary Watercourse Consent

Installation of a new soakaway/drainage system with an outfall to an ordinary watercourse will require an Ordinary Watercourse Consent from the Lead Local Flood Authority in this area. In this instance from Powysland Internal Drainage District (Natural Resources Wales).

Land Drainage Consent will also be required for the removal of the culverted access across the Sarn Brook.

Internal Drainage District

A Surface Water Development Contribution (SWDC) will be levied as surface water will be discharged from the developer's site into Sarn Wen Brook, within Powysland IDD, and onto the Sychpwll Pumping Station. As the Powysland IDD Board, NRW is the Statutory Body and must ensure value for the funds collected. Additional surface water runoff from the new development will increase NRW's cost of maintenance and operating Sychpwll Pumping Station and the brook flowing from the development site to the pumping station.

In respect of the developers' Land Drainage Consent, there is a clear obligation on them to pay the Surface Water Development Contribution. In accordance with the principles which are set out in the TAN 15 - Development and Flood Risk 2004 - a contribution shall be made towards the future costs of the downstream watercourse system to accommodate the increased volume of surface water runoff discharged from the developed site.

The rate used to calculate the SWDC is set annually by a group of Drainage Boards known as the Water Management Alliance (WMA). This rate is endorsed, and used by, Drainage Boards throughout the UK. The rates for 2018 are detailed in the following link: https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf

Where there is an attenuated discharge from a site to a watercourse, a development charge will be due to the Board (NRW for Powysland IDD), and in these circumstances the contribution due will be based on 'bands' based upon the discharge rate and size of impermeable area.

Calculation of SWDC for this site:

Developers proposed discharge rate from the site is 5 l/s. This falls into the SWDC rate of 15% of full contribution rate.

Developers estimation is 1.25ha (12,500m²) of impermeable surface area of the 2.66ha site.

Therefore SWDC = 12500*£11.71*15% = £21,956.25

This sum may change if any of the figures used above change.

SWDC are usually payable in two stages. The contribution covering the first 50% of the increase in impermeable area being payable at the time and rate applicable when the consent is granted by the Board for the discharge, with the contribution for the second 50% of the increase in impermeable area being payable at the time and rate applicable when any work starts on site. However, where an application is only submitted to, and/or determined by, the Board after the start of work on site, the entire contribution is payable at the time and rate applicable when consent is granted.

NRW's Powysland IDD Technical Advisor, James West Tel: 03000 655295 James.West@cyfoethnaturiolcymru.gov.uk should be contacted if any further detail or clarification is required.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o o before it is collected, disposed of or recovered
- o o to identify the controls that apply to the movement of the waste
- o o to complete waste documents and records
- o o to identify suitably authorised waste management options
- o o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. 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.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Felling of trees

This advice applies to any felling operations which are not consented by a planning permission. Natural Resources Wales (NRW) is the Welsh Government sponsored body responsible for issuing felling licences in Wales in accordance with the Forestry Act (1967).

Under the Act, it is an offence to fell licensable trees without having first obtained a felling

licence or other valid permission and anyone involved can be prosecuted. This can mean, on conviction, a fine of up to £2,500 or twice the value of the trees (whichever is the higher).

As referred to above, Section 9(1) of the Forestry Act provides a general rule that anyone who wishes to fell a growing tree must first obtain a licence from NRW. Anyone who fells a growing tree without a licence is guilty as stated above of an offence under Section 17(1). This general rule is however subject to the exceptions contained in Section 9(2)-(4) of the Act and the Forestry (Exceptions from Restriction of Felling) Regulations 1979, which set out circumstances where it is unnecessary to obtain a felling licence.

We would like to refer you to a booklet "Tree Felling: Getting Permission" which informs the reader what s/he needs to know about getting permission to fell any trees for themselves or for someone else.

To download copies of this booklet please go to the following NRW web page:

https://cdn.naturalresources.wales/media/689103/34098_nrw_treefellingbooklet_a5_eng_fin_mar19_print.pdf?mode=pad&rnd=132037008330000000

Natural Resources Wales (North) DPAS

16th Sep 2019

Thank you for consulting Natural Resources Wales (letter dated 28/08/2019) regarding additional information on the above.

In our response letter of 24/6/2019 we expressed significant concerns and recommended that you should only grant planning permission if the scheme could meet Requirement 1 - IDD: The submission of revised plans to demonstrate there will be an unobstructed 8m wide buffer area from the edge of the Sarn Brook that will be required for Internal Drainage District (IDD) asset management purposes.

Requirement 2 - IDD: Prior to determination the submission of a surface drainage scheme to include: (a) Ground investigations; (b) construction details of the surface water attenuation pond; (c) details of the hydro brake chamber and associated pipes layout, to demonstrate the appropriateness of the system at the proposed location.

We have reviewed the amended plans available for this reserved matter application and we recommend that you should only grant planning permission if you attach the following conditions.

Summary of Conditions

Condition/Obligation 1 - IDD: The submission and implementation of a long-term management plan for the IDD maintenance strip which must include appropriate tenure and provision of resources (i.e. index linked ground rent service charges and/or commuted sum).

We also recommend you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o o Method Statement for removal of the concrete culvert produced by Woodsyde Development Ltd Development Consultants
- o o Tree Protection Plan produced by access 2 trees landscape design drawing number LD24-008 rev 06 dated Aug 19
- o o Landscape Master Plan produced by access 2 trees landscape design drawing number LD24-001 rev 08 dated Aug 19

These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Internal Drainage District (IDD)

We have reviewed the amended plans and we have the following comments to make:

- o o The method statement for the culvert removal is acceptable.
- o o We leave the validation of the SUDS calculations to Powys County Council, as the

SuDS Approval Body.

- o o Although the amended plan illustrates the relocation of the SUDs ponds outside the 8m maintenance access strip, some sections of the access road are still within the buffer.

Whilst we have no concerns in relation to the presence of access roads with low kerbs within the 8m buffer, the developer must be informed that the maintenance of the brook is carried out by 13tonne excavators. Use of this machinery is very likely to cause damage to tarmac and kerbs and operations would also require a road closure to avoid a risk to the public. All these hazards and associated risks can be eliminated at this design stage by ensuring a continuous 8m access strip which is not hindered by roads and other infrastructures. This would also reduce the maintenance costs for road repairs.

- o o The height of the proposed post and rail fence along the Sarn Brook has not been specified. It must not be too high to prevent a machine working over it. 1100mm is suggested as this is legally suitable for edge protection.

The fence must be as close to the watercourse as possible to allow sufficient machine access and room to place the arisings from the channel maintenance.

- o The maintenance operations carried out by the IDD will generate piles of spoil which are normally accumulated on the side of streams/ditches. There are currently no details of how the 8m IDD buffer strip will be managed and by whom. An agreement with the future owner of the Brook must be secured to determine how the maintenance strip will be managed, how access for IDD maintenance purposes will be retained in perpetuity and how the arisings from the maintenance of the watercourse will be disposed of (left laying on the access strip or loaded into a suitable tractor and trailer

- o provided by the land owner). We recommend that a management plan is secured via appropriately worded condition or obligation (Section 106 agreement).

Condition/Obligation 1 - IDD: The submission and implementation of a long-term management plan for the IDD maintenance strip which must include appropriate tenure and provision of resources (i.e. index linked ground rent service charges and/or commuted sum).

Protected Species

We are satisfied that the Bat Survey report dated April and May 2019 by Seasons Ecology and the Tree Protection Plan produced by access 2 trees landscape design drawing number LD24-008 rev 06 dated Aug 19, are satisfactory for the purposes of informing the public decision-making process.

We welcome the recommendations for avoidance measures and ecological enhancements made in the bat report. Provided these are secured via appropriately worded conditions, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

If bats are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

We welcome the recommendations on lighting within section 5.1.6 of the ecological report. Condition 38 on the approval letter for the outline application P/2016/1016 states that 'A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented as approved'.

The information to discharge this condition is still outstanding as explained in our response to 18/0533/DIS. We will be able to finalise comments upon receipt of additional information.

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 a Biosecurity Risk Assessment is required. This could be

integrated within a revised versions of existing risk assessments and method statements submitted in support of this application or imposed by condition.

We consider that this assessment must include

- i (i) appropriate measures to control any INNS on site, if present; and
- ii (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

We refer you to the GB non-native species secretariat 'Check, Clean, Dry' guidelines which also apply to the use of machinery on construction sites.

- o <http://www.nonnativespecies.org/checkcleandry/index.cfm>

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Representations

Two letters of objection have been received. A summary of the grounds for objection are:

- The layout does not adequately take account of amenity for existing residents. Request for conditions to ensure amenity is maintained.
- Overdevelopment of the site with no provision for green or play areas.
- The inadequate play area is located adjacent to the brook which is dangerous for children.
- The entrance to the site is inadequate with no pathways.
- Increased traffic.
- Queries over who will be responsible for the Sarn Wen Brook and the cost of maintenance.

Planning History

P/2015/0383 – Outline: Residential Development of up to 49 Dwellings and creation of vehicular access – withdrawn.

P/2016/1016 – Residential development of up to 49 dwellings, erection of garages, formation of vehicular access with new estate road and footpaths, provision of public open space and all associated works (outline) – conditional consent subject to a section 106 agreement.

18/0533/DIS – Application to discharge condition no's 4, 5, 8, 9, 13, 14, 30, 34, 37, 38 and 39 attached to permission P/2016/1016 – Pending.

Principal Planning Constraints

Principal Planning Policies

National planning policy

Planning Policy Wales (10th Edition, 2018)

Technical Advice Note (TAN) 12 - Design (2016)

Local Planning policy - Local Development Plan (2018) (LDP)

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

Powys Residential Design Guide (2004)

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

The outline submission was made and approved under the provisions of Powys Unitary Development Plan (2010). The outline application justified the development of the site based on the lack of a five-year housing supply that existed at that time and was approved by the Powys County Council Planning Committee on the 24th November 2016. Following the drafting of a section 106 agreement to deal with the matters of provision of affordable housing, a monetary contribution for the management of the Sarn-Wen Brook as well as management agreement for the open space and buffer strip for Otter and Water Vole, the application was approved by the Local Planning Authority on the 13th December 2016.

The principle of development in this location has therefore already been considered and approved for the erection of up to 49 dwellings. This application is for approval of reserved matters including appearance, landscaping, layout and scale. Access was approved at the outline stage.

A separate application has been submitted for the discharging of conditions 4, 5, 8, 9, 13,14,30,34,37,38,39 and is still pending determination.

Site Location and Description

The site is approximately 2.66Ha in size and is located adjacent to the south eastern edge of the development boundary of Four Crosses (Llandysilio), although it falls within the Community Council area of Llandrinio.

The site itself is currently agricultural land. It is relatively flat, with a slight fall from east to west. The Sarn-Wen Brook runs along the western and northern boundary of the site and beyond this lies existing residential development and a football field to the north. On the southern edge of the site is the B4393, beyond which is a sewerage works and further residential properties. To the east of the site is agricultural land.

Appearance

LDP policy DM13 indicates that residential development will be permitted where the development is able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources which is reinforced through the Residential Design Guide.

The development relates to the provision of 49 dwellings made up from 8 different house types, including 12 two bedroom dwellings, 19 three bedroom dwellings and 18 four bedroom dwellings. The majority of the housing is two storey but three bungalows are also provided. The dwellings will mainly be constructed of brick. The dwellings will have natural slate roofs and uPVC fenestration. Three types of bricks will be used throughout the development to avoid a continuous block of colour and texture.

It is considered that the proposal provides a sufficient mix of housing so that there is a sense of interest and character within the development but also a unity of design that enables a sense of place to be created. The development is similar to adjacent developments and will not appear out of place within its context.

Scale

The scale of development has not altered from the outline planning stage and still seeks consent for the provision of 49 dwellings. The individual dwellings are a mix of two, three, four and five bedroom properties which will cater for needs of a wide cross section of the population and help install a balanced community in the new neighbourhood. It is appreciated that household size is generally decreasing creating a greater need for smaller homes and it is considered that there is sufficient mix of household types within the development to meet local demand.

Layout

LDP policy DM13 indicates that the layout of development must create attractive, safe places, supporting community safety and crime prevention. Again, these matters are reinforced through the Residential Design Guide.

The layout of the development has been designed to avoid the provision of straight uniform streets but has provided good permeability through the development. There is a sufficient road hierarchy within the development with a main spine road and smaller private roads to access individual properties. The dwellings front the highways within the development providing for good levels of natural surveillance and the majority of dwellings will be built back-to-back to allow for good levels of privacy for occupants, away from the highway.

It is noted that an objector has raised concern with proximity of the private drive to existing adjacent development with the suggestion that it should be moved to avoid traffic being heard. Whilst the Planning Authority has a duty to consider amenity, it does not mean that developments have to be inaudible from existing developments. It is considered that the current layout provides ample levels of amenity for both proposed and existing residents in an urban setting such as this.

The layout details appropriate levels of parking provision in order to comply with condition 22 and the Local Highway Authority have not objected to the access road layout. Conditions have been suggested by the Local Highway Authority but conditions covering the same matters have already been attached to the outline planning consent and therefore will not be repeated. One of the conditions suggested relates to the provision of a 20mph speed zone to be implemented on the internal road layout and a condition to recover the costs of the associated Traffic Regulation Order. Whilst it is appreciated that it is Powys Council's policy for all new estate development to have 20 mph speed limits, the appropriate method for recovering the costs via the planning system would be through a section 106 agreement at the outline stage. As this has now passed, the next opportunity would be via the section 38 agreement stage with the Local Highway Authority, should the highway be adopted. An informative will be attached to cover this matter rather than the suggested conditions.

Landscaping

Policy DM13 of the LDP requires developments to incorporate adequate amenity land together with landscaping and planting. This is reinforced through the residential design guide.

The plans indicate that the site will be bound by an existing hedgerow to the east and south of the development and the site will remain open as it currently does to the west onto the Sarn Wen Brook. Agreement has been secured from the developer regarding the provision of a fence along the Sarn Wen Brook. This is detailed on plan as a 1.2 metre high post and rail fence. NRW have suggested that fencing should be restricted to 1.1 metres in height and to improve safety, Llandrinio Community Council have suggested that it should be picket/palisade style fencing. Further agreement has been secured from the developer for the provision of a 1.1 metre high picket style fence and this will form a condition of consent.

Within the site, developments will be bound by hedgerow planting adjacent to highways and with timber close boarded fencing for the rear gardens. There will be tree and shrub planting within the development together with lawned areas for each of the dwellings. The roads will be surfaced in tarmac and the private parking areas with permeable brick paviours.

The proposal does involve the removal of three trees on the boundary of the site to facilitate the development and no objection is raised to this on amenity grounds. The trees have been assessed for their potential to accommodate bats but an ecological report has demonstrated that there are limited roosting opportunities on-site (moderate for some of the trees) and no evidence that the trees are being utilised. Therefore, it is concluded that that a Reasonable Avoidance Method Statement is implemented and adhered to when the trees are being felled but that no EPS licence is required. An informative will be attached to the permission regarding the developer's responsibility towards bats.

Other matters detailed on plan and required by condition or Section 106 agreement

The plans indicate the provision of 10 affordable units along with a phasing statement to ensure that they are provided at intervals throughout the development. The approval of this will be considered under the concurrent discharge of conditions application.

The plans also indicate the provision of two play areas each containing three pieces of play equipment for infant and junior recreation. The comments from Llandysilio community council

are noted and a revised scheme has provided the play areas outside of the buffer zone allowing the areas to be fenced and comply with the conditions of consent. The scale of the play areas is in accordance with the outline planning approval.

The plans details a three metre buffer zone for otter and water vole, in compliance with condition 11, as well as an 8 metre buffer free from obstructions to comply with condition 10 of permission P2016/1016. NRW have noted that there are kerbed roads within the buffer which will not prohibit access but have informed the developer that the machinery may cause damage over time.

Areas for SUDS are also detailed on the plan and revised siting from first submission has also been secured to ensure that there is sufficient ground stability between the attenuation ponds and the Sarn Wen Brook. SAB approval will also be required for the development.

The Community Councils (both Llandysilio and Llandrinio) have raised concerns regarding traffic speeds on the B4393 and parking along this road. It must be noted that this is not a material consideration for this reserved matters scheme but will be appropriately assessed through the discharge of conditions application.

The Community Councils have also raised concern over maintenance of the site and specifically the Sarn Wen Brook as have NRW. The section 106 agreement attached to the outline consent deals with the formation and funding of the management company that will be responsible for maintenance of open space over the lifetime of the development. In accordance with the section 106 agreement the company and its funding mechanism must be detailed to the County Council prior to the occupation of any dwellings and that funding must be secured prior to the occupation of the 16th open market dwelling. Although concerns have been raised by the Community Councils and comments have been made by NRW, Development Management consider that there are appropriate arrangements in place for the maintenance of the site. The management of the Sarn Wen Brook will continue to be the responsibility of the Powysland Internal Drainage Board and the landowner, the development involves the provision of a contribution to the maintenance of the Sarn Wen Brook and management of the spoil can be considered within the works undertaken by the management company. This is not a material consideration for this reserved matters application.

RECOMMENDATION

The scheme is considered to be of good quality design and has taken account of the conditions of consent. The scheme is considered to be in compliance with the Powys Local Development Plan and the Residential Design Guide. The recommendation is one of consent subject to the conditions set out below.

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 in accordance with the submitted plans –
FC-GA-313: Rev A (Layout)
2415 – SITE 01 Rev G (site plan)

LD24 -001 Rev 08 (Landscaping)
LD24 -002 Rev 07 (Landscaping)
LD24 -003 Rev 08 (Landscaping)
LD24 -004 Rev 08 (Landscaping)
LD24 -005 Rev 06 (Landscaping)
LD24 -006 Rev 03 (Landscaping)
LD24 -007 Rev 01 (Landscaping)
2415 - GAR 01 rev A (single garage)
2415 - GAR 02 rev A (double garage)
2415 - HT-A PL01 rev A (House Type A)
2415 - HT-AB PL01 rev A (House Type AB proposed plans)
2415 - HT-AB PL02 rev A (House Type AB proposed elevations)
2415 - HT-C PL01 rev A (house type c)
2415 - HT-D PL01 rev A (house type d)
2415 - HT-E PL01 rev A (house type e)
2415 - HT-F PL01 rev A (house type f)
2415 - HT-G PL01 rev A (house type g)
2415 - HT- J PL01 (house type J proposed plans)
2415 - HT- J PL02 (house type J proposed elevations)
T50A_P (Play equipment slide)
U60Ai_P (Play equipment spring pig)
90135100R (Play equipment cradle swing)
906110180R (Play equipment trunk pile)
904622150R (Play equipment pendulum swing)
906110300R (Play equipment stepping posts)

3. The Reasonable Avoidance Method Statement regarding Bat and the removal of trees detailed within section 4 and 5 of the Bat Survey Report produced by Seasons Ecology Report Ref SET1122_02&03 dated 20 May 2019 shall be adhered to, implemented in full and maintained thereafter.

4. Notwithstanding the detail of the approved plans, a picket style fence shall be provided along the length of the Sarn Wen Brook and shall be of a height no greater than 1.1 metres from ground level immediately adjacent to the fence prior to the occupation of any dwelling approved.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans stamped in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In the interests of safety and amenity in accordance with policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 10, December 2018).

Informative notes

Highway Authority

Within any adoption agreement for the internal road with the Local Highway Authority, it is likely that a Traffic Regulation Order will be required to adopt a 20mph speed limit. The developer will be expected to cover the cost of works associated with the Order and relevant signage.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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.

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: P/2017/1144

Grid Ref: E: 314882
N: 289543

Community Council: Kerry Community

Valid Date: 03.10.2017

Applicant: Mr M Evans

Location: Land adj Uchel Dre, Common Road, Kerry, Powys, SY16 4PS.

Proposal: Outline: Proposed residential development of 5 no. dwellings, formation of a vehicular access and all associated works (some matters reserved)

Application Type: Outline planning

The reason for Committee determination

The application was called in by the Local Member given the number of local concerns received in respect to the development.

Consultee Responses

Consultee

Received

Community Council

15th Feb 2019

Site Address: Land Adj Uchel Dre, Common Road, Kerry, Powys SY16 4PS

"Council reiterates it's response of the 26th October 2017 as detailed item 1&2."

1. Access on to the A489 via Common Road is extremely dangerous and not suitable for modification, the site having recently been turned down by Highways due to lack of highways infrastructure and safety on Common Road.

2. There is no safe way for pedestrians or adequate room to construct a footpath.

"Following on from the planning meeting of the 13th February 2019; this was attended by 45 members of the public and addressed by three residents one of whom represented a total of 132 objectors, Council wishes to highlight the additional concerns."

3. The proposed Build outs and Bollards will restrict the width of traffic passing over them to 3.4 mtrs. Some farm vehicles are wider than this, consequently denying them access

to their land.

4. Raised humps are a serious hazard for pedestrian's especially those using motorised wheelchairs and mobility scooters.

5. With the Build outs in place all pedestrians will be forced to walk into the middle of the road including wheelchair, mobility scooters and pushchair users.

6. This site is poorly lit at night with no lighting whatsoever after midnight.

7. The proposed Build out number one is dangerously close to a blind bend with visibility made considerably worst by the brick wall at that site.

"In conclusion Council wishes to strongly oppose this application on the grounds of road safety issues."

PCC-(N) Highways

17th November 2017

This application should be deferred.

The Highway Authority request that this application is deferred until such a time as the applicant submits amended plans for a footway link and associated works.

To ensure that adequate provision is made for highway access onto the County Highway to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Additional Correspondence received 28th July 2019

The County Council as Highway Authority for the County Class III Highway C2012 make the following observations and recommendations:

A site at this location was submitted as a Candidate Site for the LDP under site reference 371 Land on Common Road, Kerry, Newtown. The relevant highway matters recorded at that time were: "Highways Red - inadequate highways serving site (Trunk Roads Red - Kerry Road Junction Issue). The site may be considered a logical extension of the settlement, however a lack of highways infrastructure serving the site is considered a significant constraint to its development."

The Candidate Site extended to 0.74ha which at current LDP densities of 20 to 25 dwellings per hectare would have yielded between 15 and 19 dwellings. The current application is on a significantly smaller plot with 5 dwellings proposed. The proposed layout of the site would make it difficult for the site to be extended into the remainder of the previous Candidate Site. The current proposal reduces the development to a level

where mitigations measures may balance concerns over existing highway infrastructure provision.

Common Road extends from the A489 Class 1 County road in Kerry for a distance of around 650 metres within the speed limit (20mph and 30mph) governed settlement. Within this length it predominantly serves residential properties (around 130) and some commercial premises such as the bowling green and community hall. Pedestrian access is available to the rear of St Michaels Primary School via Common Road.

The first 30 or so metres from the A489 junction is narrow and then widens sufficiently to allow two vehicles to pass comfortably for around 210 metres before narrowing again after the junction with Chestnut View. Footway provision exists on at least one side for this 240 metre length with provision on both sides for some of it. For the remaining length, beyond the Chestnut View junction, there is no meaningful footway provision. Around 30 residential properties in Kerry access the length with no footway. The width of the road along this section is down to 3.9 metres in places.

Common road also provides a link between the A489 in Kerry and the B4368 via Pentre, a distance of around 2km with Brynllwarch Hall School located along the road just outside Kerry.

The proposed access for the development is around 500 metres from the A489 junction with just over half that distance having no footway provision. Solutions for dedicated footway provision along much of this length would likely be disproportionate in work/cost for a development of this size.

Concerns have been raised over the junction of Common Road with the A489. There is no evidence of a significant safety issue at the junction although it probably does not meet current design standards. The addition of traffic movements from 5 additional residential properties on a junction already handling traffic from 130 properties (excluding “through” traffic from outside the settlement area) would not trigger a requirement for a traffic assessment. Any imposition of conditions relating to this junction for a development of this size/location would likely fail in an appeal situation.

The proposed development for 5 dwellings would not be of an adoptable design but, the junction onto the existing county highway would need to meet current standards which in this case is considered to be Manual for Streets (1 and 2). The details included on drawing number “RRP/TW-JOB27-03 Rev C Sept.2017 Site Plan As Proposed” are considered to meet the general requirements for such developments. It is normal practice to seek pedestrian provision along the relevant frontage of such developments and connectivity with adjacent pedestrian facilities. The proposal includes around 44 metres of dedicated footway from the proposed access to connect with existing pedestrian facilities at the junction with Uchel Dre, an adopted cul-de-sac serving 12

residential properties. The footway also offers benefit to those properties opposite and beyond the development site that similarly do not enjoy dedicated footway provision.

There is currently no dedicated footway provision between Uchel Dre and Chestnut View a distance of around 210 metres. Some 30 properties potentially use the section on the basis of a “shared-way” with additional use potentially coming from beyond developed area of the community. The proposed development would extend likely usage by 5 properties.

In recognising concerns about this section the applicant has offered solutions as part of the development. The latest proposal is detailed on drawing “RRP/TW-JOB27-04 Rev A Feb.2018 Site Plan as Proposed – Highway Scheme”. Whilst concerns have been raised about specific elements of the proposal the underlying principles of traffic calming and a 20mph speed limit align with current thinking on managing shared surface areas.

An extension to the 20mph speed limit would benefit existing users of the shared space and those existing properties along the route who have expressed concerns over egress from their property. The layout of the proposed development should not introduce a need for routine reversing onto the public highway from the new properties.

The introduction of a 7.5 tonne weight limit would limit or prevent use of the route which would help allay concerns over what are seen as difficulties currently on this section of the road. Such a limit could allow access for those with a legitimate interest or could prevent use by all such vehicles.

Valid concerns have been raised about aspects of the Highway Scheme as proposed and so further work is required on these to deliver an acceptable solution. The

fundamental approach of speed reduction, traffic management and calming are however supported and would be beneficial to existing active travel type journeys.

If consent is granted the following conditions are recommended:

1. The development shall be carried out in accordance with the following approved highway plans and documents: Drawing:RRP/TW-JOB27-03 Rev C Sept.2017 Site Plan As Proposed

2. Notwithstanding the submitted details prior to the commencement of the development detailed highway engineering drawings for a traffic management scheme to include: the provision of: a footway between the proposed residential development and the County Unclassified Road U4729 (Uchel Dre); a 20mph Zone; weight limit; traffic calming measures and appropriate signing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

3. 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 0.4 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.
4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 5.5 metres distant from the edge of the adjoining carriageway and 12 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
5. 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.
6. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan "RRP/TW-JOB27-03 Rev C Sept.2017 Site Plan As Proposed". The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to the occupation of the dwellings hereby approved the private road, shared drives and turning areas as shown on the approved site plan "RRP/TW-JOB27-03 Rev C Sept.2017 Site Plan As Proposed" shall be metalled and surfaced in bituminous macadam, concrete or block pavers and retained as such for as long as the development remains in existence.
8. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from the edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
9. No surface water drainage from the site shall be allowed to discharge onto the county highway.

10. Within 14 days from the commencement of the development any existing means of access shall be stopped up and this shall be retained for as long as the development is in existence.

11. All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as

Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/> street.works@powys.gov.uk

Street Works Powys County Hall Spa Road East Llandrindod Wells Powys LD1 5LG

0845 6027035

Note: The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of any requisite Traffic Regulation Order(s), in addition to the manufacture and erection of all associated signage.

Note: All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

Note: Where development results in (or retains the potential to) the creation of a private street Powys has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

Reason(s) for the Condition(s):

In the interests of highway safety.

Wales and West Utilities

According to our mains records Wales and West Utilities has no apparatus in the area of your enquiry. However, Gas pipes owned by other GTs and also privately owned may be present within this area. Information regarding such equipment should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Environmental Protection

Foul Drainage

Environmental protection has no objection to the connection of the development to the mains sewer.

Construction phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following conditions to protect construction-phase noise:

“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays, 0800 to 1300 Saturdays and at no time at all on Sundays or Public Holidays”

Severn Trent

As the proposal has minimal impact on the public sewerage system I can advise that we have no objections to the proposals and do not require a drainage condition to be applied.

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.

Clwyd Powys Archaeological Trust

Although there are no recorded archaeological sites at the location of the proposed residential houses the application area does lie approximately 110 metres east of the scheduled ancient monument SM MG050 (The Moat Motte and Bailey) and there may consequently be a setting or visual impact. In this case Neil Maylan (Ancient Monument Planning Inspector) at Cadw should be consulted via the Ancient Monuments Planning Admin section so that he can comment on the setting and visual impact and advise further.

Cadw

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments, registered historic parks and gardens, registered historic landscapes where 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 proposed development on listed buildings and conservation areas, as these matters are for the Local Planning Authority.

It is for the Local Planning Authority to weigh our assessment against all the other material considerations in determining whether to approve the planning application.

National Policy

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

PPW Chapter 6- the Historic Environment explains that the conservation of archaeological remains is a material consideration in determining planning applications, whether those remains are scheduled ancient monuments or not. Where nationally important archaeological remains exist, 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 the adverse impact on a scheduled monument (or on an archaeological site shown to be of national importance) or has a significantly damaging effect on its setting. Technical Advice Note 24- The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

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

Assessment

The application site is located some 110 metres north of scheduled ancient monument MG050 The Moat Mound and Bailey Castle, a medieval earthwork castle. It was located to control the valley of the Afon Mwl and therefore the significant views when it was built would have been to the northwest, north, northeast and east. As such the proposed development is located in one of those significant views.

The proposed development will be visible from the Castle although partly screened by the vegetation in the boundary forming the west side of the proposed development. This will have an adverse impact on the setting of the scheduled monument and this will be a material consideration in the determination of this planning application (Planning Policy Wales). However, the application contains no information on this matter and therefore is inadequately documented. The Welsh Government recently issued the document "Settings of Historic Assets" and it is recommended that the applicants should be requested to carry out an assessment of the impact of the development on the setting of scheduled monument MG050 following the guidance given in this document.

Additional Correspondence 22nd December 2017

Thank you for your email of the 24 November 2017 inviting our comments on the additional information submitted in respect of the above planning application.

Having carefully considered the additional information we have no objections to the impact the proposed development on the setting of the scheduled ancient monument MG050 the Moat Mound and Bailey Castle as the impact is not considered to be significant.

Kerry Community Council

Council objects to this application and wishes to draw your attention to the following points:

Public opinion against this development is extreme with over 61 residents making objection through a single spokesperson who addressed the Council directly. 6 letters of objection were sent directly to Council and 36 residents attended the meeting.

The site is located outside the UDP boundary and is shown as Orange (site number 371) on the LDP Candidate Site Consultation.

Access onto the A439 via Common Road is extremely dangerous and not suitable for medication, the site having recently been turned down by highways due to lack of highway infrastructure and safety on Common Road.

There is no safe way for pedestrians or adequate room to construct a footpath

There is no mention on the application that these dwellings will be directly in front of Scheduled Ancient Monument (MG050)

Council finds the application flawed in the information provided and is selective in the information submitted

Laybys shown on the submitted plans simply do not exist

In direct opposition to assisting the village school to stay open, the school, is in fact, struggling to accommodate the volume of pupils and as a listed building will find it hard to expand.

Powys Ecologist

Thank you for consulting me with regards to planning application P/2017/1144 which concerns the outline application for proposed residential development of 5 no. dwellings, formation of a vehicular access and all associated works (some matters reserved) on Land adjacent to Uchel Dre, Common Road, Kerry

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

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

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

Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appear that sections of the hedgerow will be removed to provide the proposed new access as well as felling of a semi mature tree. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

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

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

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

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Given the proximity of development and development works to the hedgerow (on the northwest and north eastern boundary) and trees (north western boundary), it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works.

The proposed developments will required a tree to be felled (within the hedgerow on the north eastern boundary) to accommodate the proposed access. Consideration has been given to the potential for this tree to support roosting bats – bats being a European protected species. Bats utilise tree features such as trunk hollows, knot holes, splits/cracks and also roosting behind dense ivy.

Reviewing photographs of the tree that is proposed to be removed to form the new access. It is considered that the tree is unsuitable to support roosting bats. Therefore, in this instance the proposed removal of the trees is unlikely to impact roosting bats if they were present– as such a preliminary bat assessment of this tree will not be necessary.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscape Planting Scheme

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

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is

given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work

involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Representations

40 letters of public representations have been received in respect to the above application. The letters can be summarised as follows:

- Outside of settlement boundary area
- Close proximity to Scheduled Ancient Monument
- Access from the A489 very dangerous
- Common Road has high traffic use
- No safe route for pedestrians
- Unsafe for existing driveways
- Impact on privacy for neighbouring residential properties
- Drainage
- Precedent to other sites outside of the village boundary
- Incorrect identification of a passing bay
- Sufficient development has been identified within Kerry already
- Impact to local services
- Site rejected under the LDP candidate sites

Planning History

App Ref	Description	Decision	Date
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None

Principal Planning Constraints

Public Right of Way

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
TAN2	Planning and Affordable Housing		Local Development Plan 2011-2026
TAN5	Nature Conservation and Planning		Local Development Plan 2011-2026

TAN6	Planning for Sustainable Rural Community	Local Development Plan 2011-2026
TAN11	Noise	Local Development Plan 2011-2026
TAN12	Design	Local Development Plan 2011-2026
TAN23	Economic Development	Local Development Plan 2011-2026
TAN24	The Historic Environment	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing	Local Development

	Contributions	Plan 2011-2026
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGOBS	Planning Obligations SPG (2018)	Local Development Plan 2011-2026
PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy

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

Site Location and Description

The application site is located within the community council area for Kerry. The application site is located directly adjoining the existing settlement development boundary for Kerry which is located to the north of the application site.

To the north of the application site there are residential properties, to the east runs Common Road (County Class III Highway C2012), to the south and west is then agricultural land.

Consent is sought in outline with some matters reserved for the erection of 5 affordable dwellings. Access is being sought under this application with all other matters reserved for future consideration.

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

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

Principle of Development

Policy H1 of the Local Development Plan (LDP) seeks to ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies. Kerry is allocated as a Large Village under the LDP and therefore policy H1 states that housing development proposals will only be permitted in large villages 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.

Policy H6 states that proposals for the development of affordable housing to meet a proven, unmet local need in Towns, Large Villages, Small Villages and Rural Settlements will be permitted where the proposed development is of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier, and accords with the requirements of Policy H1; and that the site is solely for affordable housing and there are clear and adequate arrangements to ensure that the benefits of affordable housing are secured for initial and subsequent occupiers.

Policy H6 goes on to confirm that sites adjacent to Towns and Large Villages are likely to be suited to accommodating the larger affordable housing schemes and therefore these sites are reserved for development by Registered Social Landlords, or equivalent organisations, or the Strategic Housing Authority. Whilst the SPG (Affordable Housing) goes into further detail and states that

“consideration will only be given to these other types of smaller schemes on exception sites in Towns and Large Villages in exceptional circumstances. For instance, where the nature of the site or site constraints make it unsuitable for larger development by an RSL, the SHA or equivalent, and providing that the development of the site would not prejudice the future development of adjacent land for affordable housing.”

Consent is sought in outline for the erection of 5 affordable dwellings. The scheme is not proposed to be developed an RSL, SHA or equivalent. However, it is noted and duly considered as in accordance with the SPG guidance that there are instances where smaller schemes will be considered in exceptional circumstances.

The application site is located directly adjoining the settlement development boundary to the south of the village of Kerry. Whilst evidence has been submitted highlighting that the dwellings will meet a proven local need, they have not been proposed to be developed by an RSL or equivalent. Consideration has been given to the constraints of the site as below:

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10), LDP: T1 and Technical Advice Note 18.

It is noted that several concerns have been received from public representations and the Community Council in respect to highway safety leading to the application site.

Objections were initially received from the Highway Authority who considered that insufficient information had been provided which ensured adequate provision is made for highway safety in relation to footway links and associated works.

Amended plans were received, which indicated the following highway improvements:

- *Proposed Footpath (Approximately 44 metres of dedicated footway from the proposed access to connect with existing pedestrian facilities at the junction with Uchel Dre)*
- *Speed Reduction (An extension to the 20mph speed limit)*
- *Calming Measures (The introduction of a 7.5 tonne weight limit)*

The Highway Officer notes that valid concerns have been raised about aspects of the Highway Scheme as proposed and so further work is required on these to deliver an acceptable solution. However, the officer has confirmed that the fundamental approach of speed reduction, traffic management and calming are however supported and would be beneficial to existing active travel type journeys. The Highway Officer therefore

confirms that subject to appropriately worded conditions the proposed development could be managed to an acceptable level.

In addition to the above, and of reference the highway officer confirmed that a site at this location was submitted as a Candidate Site for the LDP under site reference 371 Land on Common Road, Kerry, Newtown. The relevant highway matters recorded at that time were: *“Highways Red - inadequate highways serving site (Trunk Roads Red - Kerry Road Junction Issue). The site may be considered a logical extension of the settlement, however a lack of highways infrastructure serving the site is considered a significant constraint to its development.”*

The Candidate Site extended to 0.74ha which at current LDP densities of 20 to 25 dwellings per hectare would have yielded between 15 and 19 dwellings. The current application is on a significantly smaller plot with 5 dwellings proposed.

It was therefore duly considered that the current proposal reduces the development to a level where mitigation measures balance the concerns over existing highway infrastructure provision and therefore is considered to be acceptable on that basis and subject to appropriately worded conditions.

Affordable Housing

The application site is considered an exception site in accordance with policy H6 of the Local Development Plan.

Whilst the comments within the principle of the development have been noted and whilst not provided by a registered social landlord or equivalent, evidence has been provided which highlights that the dwellings will all meet an affordable need within the local area.

Therefore, subject to conditions securing the future affordability of the dwellings and also the scale to be in accordance with Local Development Plan policies it is therefore considered that the proposed development can fundamentally comply with relevant planning policy.

Scheduled Ancient Monument

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

The application site is located some 110 metres north of scheduled ancient monument (SAM) MG050 The Moat Mound and Bailey Castle, a medieval earthwork castle. It was located to control the valley of the Afon Mwl and therefore the significant views when it was built would have been to the northwest, north, northeast and east. As such Cadw

were consulted and noted that the proposed development is located in one of those significant views.

Insufficient information was initially noted in that it was considered that the proposed development would be visible from the Castle which could have an adverse impact on the setting of the scheduled monument and that this was a material consideration in the determination of this planning application (Planning Policy Wales). However, it was noted that the application contained no information on this matter and therefore was inadequately documented.

An assessment of the impact of the development on the setting of scheduled monument MG050 was subsequently prepared and submitted in support of the application. The report concluded that there would be no visibility between the SAM and the development due to an intervening hedgerow, the topography of the landscape and the dense woodland and vegetation on the castle site.

Cadw confirmed receipt of the additional information and confirmed that they would have no objections to the impact of the proposed development on the setting of the scheduled ancient monument MG050 the Moat Mound and Bailey Castle as the impact was not considered to be significant.

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

Design and Layout

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. In line with policy DM13 development proposals should therefore be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that 5 dwellings could be accommodated on the site.

Whilst public representations have raised concerns over the impact the properties may have with regards to over- looking, Officers acknowledge that all matters relating to design for this application have been reserved for future consideration. On the basis of the plans provided, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

The proposed development is therefore considered to comply with relevant planning policies.

Landscape and Visual Impact

Planning policy seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity.

The site occupies an edge of settlement location. In terms of landscaping the indicative layout plan indicates that there will be existing hedgerows retained surrounding the site. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage. Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal subject to appropriate consideration of design and ground levels at reserved matters stage is acceptable and therefore in accordance with relevant planning policy.

Biodiversity

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. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

The application site is currently grazed improved agricultural land which is considered to be of low ecological value.

The Ecologist noted that as part of the application a section of hedgerow will be removed as part of the application for the access as well as the felling of a semi-mature tree. The Ecologist has therefore recommended that a tree and hedgerow replacement and protection plan will need to be secured through an appropriately worded condition. The tree has however been considered for its potential to support roosting bats (European protected species). Upon reviewing information provided it was considered that the tree is unsuitable to support roosting bats. It is therefore considered that the removal of the tree is unlikely to impact roosting bats.

The Powys Ecologist has therefore confirmed that subject to appropriately worded conditions the proposed development could be completed to an acceptable level.

RECOMMENDATION

Whilst policy H6 states that exception sites adjoining settlement development limits such as these are reserved for development by Registered Social Landlords or

equivalent organisations, or the Strategic Housing Authority, the LDP SPG for Affordable Housing states that, “*consideration will only be given to these other types of smaller schemes on exception sites in Towns and Large Villages in exceptional circumstances. For instance, where the nature of the site or site constraints make it unsuitable for larger development by an RSL, the SHA or equivalent,*”. It is noted that the application site was put forward as a candidate site for the LDP but due to the highway constraints was considered unsuitable for the development of a larger site. However, the Highway Authority has considered that this smaller scale scheme, for a limited number of dwellings along with the mitigation proposed, balances the concerns over the existing highway infrastructure provision. Thereby, confirming that any larger scheme would be considered inappropriate within this location.

Having regard to the highway constraints, scheduled ancient monument and that this application meets a proven need for 5 affordable dwellings, it is considered that in this instance a smaller scale scheme is acceptable. The proposed development is therefore considered to fundamentally comply with policy H6 of the LDP and SPG for Affordable Housing.

The recommendation is therefore one of conditional consent.

Conditions

1 Details of the, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4 The development shall be carried out in accordance with the following approved plans and documents *RRP/TW-JOB27-03 Rev C Sept.2017 Site Plan As Proposed, RPP/TW-JOB27-01 Rev B.*

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

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6 Notwithstanding the submitted details prior to the commencement of the development detailed highway engineering drawings for a traffic management scheme to include: the provision of: a footway between the proposed residential development and the County Unclassified Road U4729 (Uchel Dre); a 20mph Zone; weight limit; traffic calming measures and appropriate signing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

7 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 0.4 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.

8 No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 5.5 metres distant from the edge of the adjoining carriageway and 12 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9 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.

10 Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan "RRP/TW-JOB27-03 Rev C Sept.2017 Site Plan As Proposed". The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

11 Prior to the occupation of the dwellings hereby approved the private road, shared drives and turning areas as shown on the approved site plan "RRP/TW-JOB27-03 Rev C Sept.2017 Site Plan As Proposed" shall be metalled and surfaced in bituminous macadam, concrete or block pavers and retained as such for as long as the development remains in existence.

- 12 The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from the edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- 13 No surface water drainage from the site shall be allowed to discharge onto the county highway.
- 14 Within 14 days from the commencement of the development any existing means of access shall be stopped up and this shall be retained for as long as the development is in existence.
- 15 All access to the development hereby permitted shall be gained via the existing private driveway. 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 exists.
- 16 Demolition and/or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays, 0800 to 1300 Saturdays and at no time at all on Sundays or Public Holidays.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority to any the plots/dwellings hereby approved.
- 18 Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
- 19 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.
- 20 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.
- 22 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 23 At the time of submission of the Reserved Matters applications topographical surveys indicating existing and proposed ground/floor levels shall be submitted for consideration 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 approved plans in the interests of clarity and a satisfactory development.
- 3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 4 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 5 To ensure the use of the dwellings hereby approved remain affordable in perpetuity in line with policy H6 of the Local Development Plan, LDP SPG- Affordable Housing and Planning Policy Wales (Edition 8,2018).
- 6 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 7 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 8 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 9 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 10 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 11 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 12 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 13 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 14 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 15 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 16 For the protection of amenity for nearby residential properties in accordance with policies DM13 of the Local Development Plan, Technical Advice Note 10- Noise and Planning Policy Wales (Edition 10, 2018)
- 17 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan and Technical Advice Note 6.
- 18 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 19 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

21 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), 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, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

23 In the interests of amenity to the surrounding area in accordance with policy DM13 of the Local Development Plan and Planning Policy Wales (2018).

Informative Notes

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

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

2 Highways

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/> street.works@powys.gov.uk
Street Works Powys County Hall Spa Road East Llandrindod Wells Powys LD1 5LG
0845 6027035

Note: The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of any requisite Traffic Regulation Order(s), in addition to the manufacture and erection of all associated signage.

Note: All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

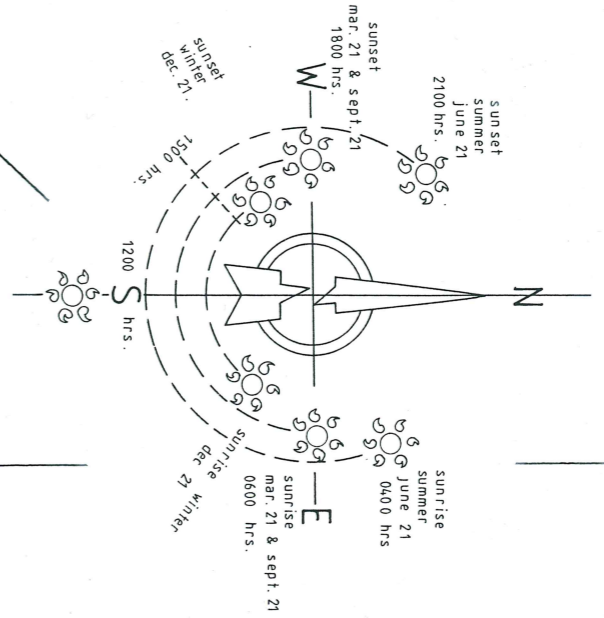
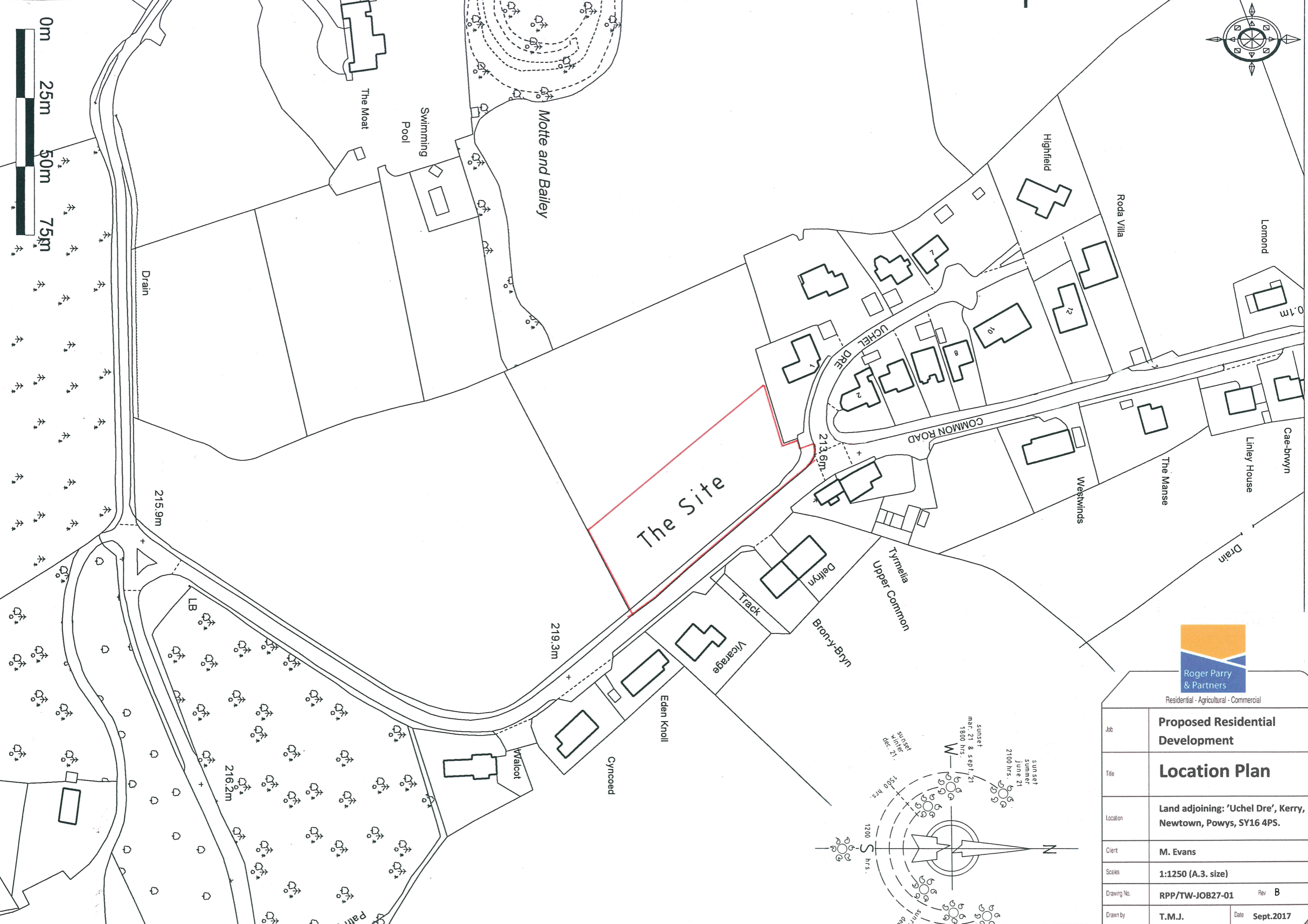
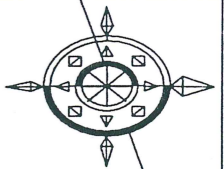
Note: Where development results in (or retains the potential to) the creation of a private street Powys has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

3 Severn Trent

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.

Case Officer: Gemma Bufton, Principal Planning Officer
Tel: 01587 827505 E-mail: gemma.bufton1@powys.gov.uk



Residential - Agricultural - Commercial

Job	Proposed Residential Development
Title	Location Plan
Location	Land adjoining: 'Uchel Dre', Kerry, Newtown, Powys, SY16 4PS.
Client	M. Evans
Scales	1:1250 (A.3. size)
Drawing No.	RPP/TW-JOB27-01 Rev B
Drawn by	T.M.J. Date Sept.2017

HOGSTOW HALL, MINSTERLEY
 SHREWSBURY, SHROPSHIRE, SY5 0HZ
 Tel: 01743 791336 Fax: 01743 792770
 email: mail@rogerparry.net
 Web address: www.rogerparry.net

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4.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0963/FUL

Grid Ref: E: 332056
N: 264116

Community Council: Presteigne Community

Valid Date: 20.06.2019

Applicant: Mr & Mrs Griffiths

Location: Land North Of Clatterbrune, Clatterbrune, Presteigne, Powys, LD8 2LB

Proposal: Erection of a dwelling and all associated works

Application Type: Full Application

The reason for Committee determination

The Local Member has requested that this application is determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee

Received

Community Council

18th Jul 2019

The above was discussed at the meeting of the Town Council held last night. Having examined the full application the Town Council is very concerned over the following issues -

- The height of the proposed dwelling in relation to adjacent single storey dwellings.
- The adverse effect on light to adjacent properties and overlooking/privacy for those properties.
- Dwelling sited too close to the boundary.
- Materials not in keeping with adjacent properties.
- Narrow access road with no pavements despite pavements being shown on the block plan.

In addition, the Council notes that some work has already commenced and tree roots have been damaged, perhaps permanently. Members have asked if this should be considered criminal damage as it may well affect the long term viability of these trees? The Town Council also wishes to reiterate its objections to the outline planning application P/2016/0128, feeling these issues still apply. These are -

1. The impact on protected species on the site and the need for an ecological survey.

2. The disproportionate size of the proposed dwellings compared to neighbouring properties on the Clatterbrune Estate.
3. The effect on those current dwellings with over shadowing, a reduction in privacy and a reduction in natural light.
4. The proposed dwellings are not in keeping with those in the immediate area.
5. Concern over the capacity of the sewerage and drainage system to cope with additional dwellings given the Welsh Water response to the application for housing on the Knighton Road site.
6. The narrow access road is unable to cope with increased traffic, particularly given that the road is already used for access to the football club and grounds and also to the Welsh Water treatment works, (lorries presently have to reverse down this road as there is no turning space available);
7. Pavements shown on the plans of the existing road onto Clatterbrune from the football club do not presently exist and the road does not have sufficient width for these to be built.
8. The proposed access road will be serving both applications, making a total of six properties. The Council feels that under these circumstances the access road should be brought up to adoptable standards on width, footways. surface etc.
9. There are also concerns about the proposals for the existing trees both on and adjacent to the site. In addition the seven mature trees bordering the access road appear to not to have been covered in expert reports either on the trees themselves or their root spread and this should be done.
10. The impact on the adjacent listed building and the need to ensure CADW are consulted.
11. The need for an archaeological survey of the site.
12. The need for Welsh Water to be fully consulted and made aware of possible asset encroachment on their infrastructure so that the necessary risk assessment can be carried out, particularly given the need for the present sewage works to be upgraded (expected in the Welsh Water 2020-2025 capital plan).

The Town Council also made the following points as raised by Presteigne St. Andrews Football Club, these being -
problems with drainage .

access problems, which have not been alleviated by previous measures (sleeping policemen/danger signs) and are therefore unlikely to be removed by the use of block pavements.

the need for high fencing to protect the properties from stray footballs etc.

floodlights, these would be in very close proximity to the new development and would impact on the proposed properties. Any change in the usage restriction on these floodlights should not be permitted.

On this current full application, the Council has received letters from 17 local residents objecting to the application. I understand these residents have sent copies of these letters to you direct.

Concerns raised by these residents include -

- concern about the trees affected by the application.
- disproportionate size and effect on privacy and light.
- the impact on protected species. the access road narrow and potentially dangerous.
- inadequate drainage/sewerage capacity in an area already prone to flooding. no room for pavements on the narrow access road.

The Town Council would again ask that these concerns are fully addressed and wishes to strongly object to the application.

PCC-Building Control

1st Jul 2019

19/0963/FUL - Building Regulations approval will be required for this proposal.

Wales & West Utilities - Plant Protection
Team

1st Jul 2019

With regards to your below request, this is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Email: plantprotection@cadentgas.com

Telephone: 0800 688588

Ward Councillor

9th Jul 2019

I would like to 'call in' to committee planning application number 19/0963.

This is due to several reasons including the concern and worry of the community, especially those living on Clatterbrune housing estate but also including Presteigne St Andrews Football Club.

The design of the property, I do not believe it is in keeping with the properties in the vicinity. Specifically it is an application for a two story house backing onto bungalows.

The detrimental effect it will have on the occupants of the properties adjoining the boundary, as the house would look into their properties from above.

I trust this is satisfactory but if you need further information please do let me know.

When the application does go to committee I may well wish to request to speak on the application.

Natural Resources Wales (North) DPAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 28/08/2019.

NRW does not object to the proposal. We have the following advice to provide.

Protected Species

Bats and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

NRW is satisfied that the bat survey ('Bat and breeding bird survey of Silver Birch trees at Clatterbrune Close, Presteigne, Powys LD8 2RU' by Churton Ecology, report undated, survey conducted on 13/08/2019) has been conducted to an acceptable standard. The report shows there are roosting opportunities for bats in the trees, but no evidence of bat use was found.

The report advises care should be taken during the felling process, and should bats be found, all works should stop immediately and NRW contacted for further advice. Provided this advice is adhered to, we would not have any concerns for this proposal. The recommendations in the report should be implemented.

Flood Risk

The proposal is in an area where there is land designated as being within the C2 flood zone as defined by the Development Advice Maps referred to under TAN 15 Development and Flood Risk (July 2004).

NRW does not have any comment to make regarding the risk of flooding to the proposal, however we advise the Applicant should be made aware that the flood zones are nearby.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the Developer

Protected Species

Should bats be discovered at any stage during the works, all work must stop immediately and NRW contacted for further advice.

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/p_mho0412bwfe-e-e.pdf

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should always be supervised - and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline, 03000 653000.

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.

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.

Consultation response received 23/09/2019:

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 28/08/2019.

NRW does not object to the proposal. We have the following advice to provide.

Protected Species

Bats and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

NRW is satisfied that the bat survey ('Bat and breeding bird survey of Silver Birch trees at Clatterbrune Close, Presteigne, Powys LD8 2RU' by Churton Ecology, report undated, survey conducted on 13/08/2019) has been conducted to an acceptable standard. The report shows there are roosting opportunities for bats in the trees, but no evidence of bat use was found.

The report advises care should be taken during the felling process, and should bats be found, all works should stop immediately and NRW contacted for further advice. Provided this advice is adhered to, we would not have any concerns for this proposal. The recommendations in the report should be implemented.

Flood Risk

There is land near the proposal site which is designated as being within the C2 flood zone as defined by the Development Advice Maps referred to under TAN 15 Development and Flood Risk (July 2004).

The proposal site is not located within the C2 designation. Access to the site may become restricted during a flood event. We advise the Applicant is made of this matter.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the Developer

Protected Species

Should bats be discovered at any stage during the works, all work must stop immediately and NRW contacted for further advice.

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/p_mho0412bwfe-e-e.pdf

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should always be supervised - and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline, 03000 65 3000.

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.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Water

5th Jul 2019

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

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

Sewerage

We can confirm we have no objections to this application.

Surface Water Drainage

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and

conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

PCC-(M) Highways

12th Jul 2019

Thank you for consulting the Highway Authority on this matter.

Highway Authority responses for previous applications of this site (P/2016/0128 and P/2016/0137) recommended the submission for approval, full details of a scheme for the provision of highway improvements to the unclassified highway U1907.

It is accepted that widening the county highway between 9 and 10 Clatterbrune is not an option, accordingly it has previously been established that a betterment to the road alignment and environment would be welcomed to promote highway safety and mitigate the effects of any additional traffic created by the proposed development.

Rather than the creation of a formal footway in this area, it is proposed that resurfacing works are carried out to link the existing footway outside no. 9 to the application site. The Highway Authority recommend coloured surfacing is laid with white lining to distinguish between the pedestrian and vehicle areas.

Furthermore, the inclusion of a footway abutting the site to link the football club with the pedestrian coloured surface as above will further maintain pedestrian priority and safety.

The carriageway alignment turns too steeply after entering the site and should take a wider curve with a footway and carriageway filling the space available within the land owned. By straightening the alignment and widening the carriageway evenly on both sides, forward visibility should be improved and passing space made readily available.

Finally, in addition to the above, drawing no. HPD07 shows the driveway for the proposed

dwelling. It is unclear from the plan however, whether the driveway will have 2 accesses, or whether the 'new 1800mm close boarded fencing' will run along the full eastern boundary of the site. The former is the preferred option; the Highway Authority would not support two new accesses onto the access road.

I trust the above can be addressed, and revised plans submitted, prior to this application being determined.

Consultation response received 12/09/2019:

The County Council as Highway Authority for the County Unclassified Highway, U1907

Wish the following observations be applied

The revised plans do not take into account earlier comments dated 12th July. In reality drawing no. HPD07 Rev B poses more of a detriment to highway safety due to the access now joining the carriageway at a point with restricted visibility due to the existing fence line of no. 9 Clatterbrune. The Highway Authority request the initial access off the 'new private road' is reinstated and the one on the eastern boundary closed up with a fence.

The Highway Authority does not wish to oppose this application however it seeks a commitment from the applicant for alterations to the existing carriageway within their ownership. These works should lead to the creation of a footway and altered carriageway from the entrance to the site up to the edge of the land under the control of the applicant near to the entrance of the football ground.

A revised plan to show a revised carriageway and footway proposal could be submitted for consideration prior to determination of this application, alternatively if a revised plan is submitted simply to address the access concern at this stage, the Highway Authority will seek for a suitably worded condition to be included on consent that may be issued to secure a plan is submitted and the works completed prior to commencement of the development.

I trust this can be addressed before this application is determined.

Consultation response received 18/09/2019:

The County Council as Highway Authority for the County Unclassified Highway, U1907

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority has received assurance from the applicant's agent via email that alterations to the carriageway and the creation of a footway will form part of the development to ensure highway safety conditions are maintained.

Accordingly, the Highway Authority do not wish to oppose the application and recommend the following conditions are included on consent that may be issued.

1. The development shall be carried out in accordance with the approved highway drawing HPD07 Rev C.
2. Prior to the commencement of any works on site the applicant shall submit and have approved in writing by the local planning authority, full details of a scheme for the construction of all on site infrastructure including a pedestrian footway and carriageway improvements.
3. Prior to the occupation of the dwelling, all improvements referred to above shall be fully completed to the written satisfaction of the local planning authority.
4. Prior to the occupation of the dwelling, the erection of a 1800mm close boarded fence must be constructed along the eastern boundary of the site, as per drawing no HPD07 Rev C.
5. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Environmental Protection

11th Jul 2019

Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would recommend that during the landscaping and construction period working hours and delivery times be restricted as follows:

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

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

Thank you for consulting me with regards to planning application 19/0963/FUL which concerns an application for the erection of a dwelling and all associated works at land North of Clatterbrune, Clatterbrune, Presteigne.

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

The data search identified 47 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; brown long-eared, Natterer's and pipistrelle, otter, hare, house sparrow and song thrush.

One statutory designated site was identified within 500m of the proposed development;

- o SSSI - River Lugg approximately 299m from the proposed development

No non-statutory designated sites were identified within 500m of the proposed development.

Having reviewed the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated site and/or its associated features.

The proposed development is located on a site between an existing playing field and housing development and is likely to impact areas of hard standing and amenity planting, habitats considered to be of relatively low ecological value.

Bats - European Protected Species

I note from the proposed plans that a number of trees will be removed to accommodate the proposed development as well as development of the new access.

Powys LDP Policy DM2 states that:

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, 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'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 - Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost.

Given the proposed works will involve felling of mature trees consideration has been given to the potential for the tree and surrounding area to support roosting bats. Having reviewed street view and aerial images the areas affected by the proposals it is considered that there may be potential for bats to be present and affected by the proposed development. The surrounding habitat present is ideal for bats with areas of woodland, trees and watercourses.

Therefore, in order to assess the potential impacts to roosting bats, as a minimum it is recommended that a preliminary assessment of the proposed development site for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If bat access or roosts are found that will not be affected by the proposals a method statement will need to be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

If a preliminary bat roost assessment is undertaken and identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required.

Bat activity surveys will need to be undertaken in accordance with the Bat Conservation Trust's Bat Surveys for Professional Ecologists - Good Practice Guidelines 3rd Edition, 2016. Therefore, the survey should be undertaken by suitably licensed and qualified ecologists and comprise a thorough internal and external inspection and appropriate number of activity surveys during the recognised activity season May - September, the surveys should be spread throughout the activity season (as far as reasonably possible to do so) to allow a broad picture of any bat roost use of the site to be developed. Where deviations from the standard guidelines are considered to be necessary, full justifications

for the methods used will be required.

If bats are found to be using the building for roosting purposes and there is potential for the roost to be destroyed or disturbed i.e. an offence is likely to be committed a European protected species licence would be required to allow the works to proceed, as part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2017 have been met prior to determining the application. If the Wildlife Licensing Unit at Natural Resources Wales (NRW) is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public 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".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

In order to address the 3rd test appropriate mitigation would need to be identified. The proposed mitigation will need to be located in a suitable location and appropriate to the species identified. Mitigation details need to be clearly illustrated on the architectural plans and must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

I have attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Tree Protection and Replacement Plan

From reviewing site photos and the proposed plans it appears that one mature tree on the proposed development site is to remain as part of the proposed development. It is considered that there may be potential for construction works including use of machinery or storage of materials to take place within the root protection area (RPA) and canopy of the mature tree identified.

Given the proximity of the proposed development and associated works to the identified tree, it is considered prudent to require information from the applicant as to how this feature of biodiversity importance for wildlife will be protected during the construction

period of works.

Proposed plans indicate that trees are to be removed in order to accommodate the proposed development access/drive.

Powys LDP Policy DM2 states that:

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, 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'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 - trees are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Limited details have been provided regarding the impact of proposed new access on the trees present on the development site or any compensation measures proposed, as such it is recommended that a Tree Protection and Replacement Plan is secured through an appropriately worded planning condition, this plan will need to identify an appropriate compensation strategy for the identified trees.

The compensation plan will need to include - details of the location and species - species used will need to be native and reflect the trees present in the local area - in accordance with the requirements of LDP Policy DM4 and an appropriate aftercare scheme.

A Tree Protection and Replacement Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland.

This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

Landscape Planting Scheme

Submitted plans look to indicate that landscaping will be required as part of the potential development therefore consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions - this includes the planning process. It is therefore recommended that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measures could include:

- O Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- O A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- O Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Consultation response received 10/09/2019:

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/0963/FUL which concerns an application for the erection of a dwelling and all associated works at land North of Clatterbrune, Clatterbrune, Presteigne.

The additional information submitted has been provided in response to a request for further information to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to bats - European protected species - as the proposed development requires alterations to an existing building.

Bats - European Protected Species

I have reviewed the Bat and Breeding Bird Survey of Silver Birch Trees produced by Churton Ecology dated August 2019. I consider that the survey methods and effort employed were in accordance with current National Guidelines.

The six silver birch trees present on site were surveyed for their suitability to support roosting bats on the 13th of August 2019. Possible suitable features were identified however on closer inspection the features were characterized as being unsuitable to support roosting bats as they were too shallow and contained water.

Following the findings of the assessment of the trees - the report identifies that the proposed development will not result in the disturbance, loss of roost locations and destruction of resting places, as such no further surveys are considered necessary and a European Protected Species Development Licence will not be required.

The report identifies that no mitigation is required in light of the findings of the assessment however I do note that biological enhancements have been suggested in the Ecology Statement submitted as part of the application produced by CadTech Design. These measures are welcomed as they would provide additional benefits for biodiversity - 'biodiversity enhancements' - in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

Nesting Birds

The silver birch trees were identified as providing suitable habitat for nesting birds. The report identifies that removal of the identified trees will result in a minor loss of suitable habitat therefore mitigation and avoidance measure have been identified within the Bat and Breeding Bird Survey of Silver Birch Trees report. Measures include;

- o Timing of works - works that may impact nesting birds is to be undertaken between 31st August and March 1st

o Should this not be possible then suitable habitats are to be inspected by a suitably qualified ecologist to confirm presence or absence.

Biological enhancements have been suggested in the Ecology Statement submitted as part of the application produced by CadTech Design. These measures are welcomed as they would provide additional benefits for biodiversity - 'biodiversity enhancements' - in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

Landscaping and Tree Protection Plan

I have reviewed the submitted landscaping and tree protection plan submitted as part of the application. The details provided and measures proposed are considered to be appropriate and acceptable.

It is recommended that adherence to the identified Landscaping and Tree Protection measures is secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Scheme

I have reviewed the proposed lighting outlined illustrated on drawing number HPD11. The measures proposed with regards to external lighting at the site are considered to be appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment.

It is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning condition.

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

The development shall be carried out strictly in accordance with recommendations, mitigation and enhancement measures identified in the Bat and Breeding Bird Survey of Silver Birch Trees report produced by Churton Ecology dated August 2019 and outlined in the Ecology Statement produced by CadTech Design dated August 2019, the identified measures will be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

External lighting at the site shall be undertaken strictly in accordance with the details identified in the Drawing HPD11 and Ecology Statement produced by CadTech Design

dated August 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the landscaping scheme illustrated on drawing number HPD11 and Ecology Statement produced by CadTech Design dated August 2019. The plans shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I consider it would be appropriate to include an informatives;

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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 2017.

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

Protected Species

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

Cadent Gas

No response received at the time of writing this report.

PCC – Built Heritage

Recommendation no objection

Background to Recommendation

Designation

Adjacent to Clatterbrune House listed building included on the statutory list on 26th March 1985.

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 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. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, “ For any development proposal affecting 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.”

Section 6.1.9 of PPW 10 advises that “ Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place”

Section 6.1.7 of Planning Policy Wales 10th edition requires that “ it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way”

The proposed dwelling is on land adjacent to an existing residential development, given the tree cover at Clatterbrune House it is not considered that the proposal would affect the setting of Clatterbrune House. I would therefore raise no objection to this development.

However I am minded of an adjacent development P/2016/0137 Outline (all matters reserved): Erection of two dwellings Clatterbrune House approved on 25 November 2016 for a pair of Arts and Crafts style dwellings, and not with some regret the design of the propose dwelling that does not reflect local vernacular or building traditions. However its location outside the conservation is acknowledged. Nevertheless I would not wish that approval of this proposal would set a precedent for similar design on the adjacent plot P2016/0137.

PCC – Land Drainage

Planning Department: Could the following be added as an informative for the application.

All: Having assessed the Planning Application Ref 19/0963/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Representations

Following the display of a site notice, a number of public representations have been received at the time of writing this report. In total 22 objections have been received which in summary raise the following concerns:

- Main sewer connection
- Proximity to Football Club
- Size of the dwelling
- Materials used
- Siting of dwelling
- Overlooking neighbouring properties
- Impact on trees
- Volume of traffic
- Boundary Treatment
- Design
- Impact on Ecology

Planning History

App Ref	Description	Decision	Date
P/2016/0128	Outline (with all matters reserved) Development of four residential dwellings	Consent	24th Nov 2016
P/2015/0416	Outline (all matters reserved): Erection of two dwellings	Application Withdrawn	23rd Jun 2015
P/2016/0137	Outline (all matters reserved): Erection of two dwellings	Consent	25th Nov 2016

Principal Planning Constraints

Listed Building

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy

TAN1	Joint Housing Land Availability Studies	2015	National Policy
TAN2	Planning and Affordable Housing	2006	National Policy
TAN5	Nature Conservation and Planning	2009	National Policy
TAN11	Noise	1997	National Policy
TAN12	Design	2016	National Policy
TAN18	Transport	2007	National Policy
TAN23	Economic Development	2014	National Policy
TAN24	The Historic Environment	2017	National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026

H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
H6	Affordable Housing Exception Sites	Local Development Plan 2011-2026
RES	Residential Design Guide (2004)	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

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

Planning History

The application site benefits from previously approved outline consent for the erection of two residential dwellings with all matters reserved under the reference number P/2016/0137.

Site Location and Description of Development

The application site is located within the settlement development boundary of Presteigne as defined by the Powys Local Development Plan. The application site is to the south of Presteigne Football Club's ground, to the east is the access way to the Football Club, to the south is the residential estate known as Clatterbrune and to the west is land associated with the Grade II Listed Building known as Clatterbrune, which has outline consent for residential development.

Consent is sought in this instance for the erection of a single detached dwelling with attached garage. The proposed dwelling will measure approximately 15.5m in length, 9.4m in width, 7.6m in height to the ridge and 4.8m to the eaves. The dwelling will be constructed from bricks under a reconstituted slate roof.

Principle of Development

Policy H1 of the Powys Local Development Plan seeks to ensure that housing development is appropriately located and suitable in scale and type to meet strategic policies. For Towns such as Presteigne, the Policy supports the housing development on sites allocated for housing or on other suitable sites within the development boundary.

The proposed development is located within the settlement development boundary of Presteigne and is located upon a site that already has consent at outline for residential use. It is therefore considered that the proposed development is located upon a suitable site within the development boundary of Presteigne.

In light of the above it is therefore considered that the proposed development fundamentally complies with policy H1 of the Powys Local Development Plan.

Scale, Design 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 order to identify whether the scale of the proposed development is commensurate in scale in relation to the size of the development plot, consideration has been given to policy H4 of the Powys LDP. Policy H4 states that all housing development proposals should seek to make the most sustainable and efficient use of land.

The density for any proposed housing development within a Town should be at least 27 units per hectare. In this instance the proposed development plot measures approximately 0.076 hectares, as such, the development plot is considered to be greater than the required plot density in towns set out within policy H4. However, it is noted that there is currently 'live' permission for outline consent for two dwellings within the current red and blue line boundary that forms this application. Consideration has also been given to the volume of traffic using this access, the unclassified road as well as the private access being created to access the second plot. It is therefore considered that given the current outline permission and the nature of the highway in this location that although the density of the plot is lower than required it is acceptable in this instance.

It is noted that revised plans have been submitted for the proposed development. The initial plans have been amended by re-orientating the dwelling by 90 degrees, reducing the ridge height and reducing the pitch of the roof, amendments to the design of the dwelling (including reduction of openings and the re-location of the garage so that it is now attached to the dwelling and is on the side of the football pitch) and the levelling of the site.

The amended plans seek consent for a detached dwelling with attached garage measuring approximately 15.5 metres in length by 9.4 metres in width, 7.6 metres to ridge height and 4.8 metres to the eaves. It is noted that a number of objections have been received in relation to the application specifically in relation to the size of the dwelling, materials proposed, siting of dwelling and the overall design.

It is noted that the proposed dwelling is relatively modest/large in scale and is accentuated by the garage being attached to the northern elevation of the property. It is noted that the overall height has been reduced to 7.6 metres in height to ridge, an overall reduction of 0.8 metres. The reduction in height of the dwelling, the reduction of the pitch of the roof along with the levelling of the site has resulted in the ridge height being at a similar height to the surrounding residential properties to the south located upon the Clatterbrune estate. A topographical survey has been carried out which illustrates that the ridge height of the nearest neighbouring property is approximately 154.71 AOD and the ridge height of the proposed dwelling will be approximately 154.80 AOD. In light of the topographical survey it is considered that the height of the dwelling is acceptable and would not appear to look out of character and appearance of the surrounding built environment and the surrounding ridge height of the dwellings. Although the nearest neighbouring dwellings comprise of bungalows, there are a number of other types of dwelling within the near vicinity that are at least two storeys in height. The proposed dwelling is to be finished with red facing brick under a red/brown concrete tile roof. Concerns have been raised regarding the building materials proposed, however, it is noted that the materials proposed are common building materials and are widely used throughout the settlement of Presteigne as well as other properties within the vicinity. Concerns were also expressed regarding the overall scale of the dwelling, however, when comparing the footprint of the proposed dwelling to

those dwellings within the surrounding vicinity it is considered to be of a similar size and therefore is considered to be in keeping with the surrounding area.

Initially it was considered that the dwelling was inappropriately orientated with its front and back elevations being to the north/south, as this would have had an overbearing impact upon the neighbouring dwellings located upon the Clatterbrune estate. The amended plans illustrate that the dwelling has been re-orientated by 90 degrees with the front/rear elevations facing to the east/west, and this is considered to greatly reduce the impact the proposed development would have upon the neighbouring residential properties.

Taking into consideration the concerns raised by members of the public and taking into consideration the character and appearance of the surrounding area, appropriately worded conditions will be attached to the granting of any consent. The conditions will ensure that appropriate boundary treatments are created and appropriate materials (colour and style) are submitted for consideration prior to construction. Permitted development rights will also be removed to ensure that no further development is carried out without relevant consent to ensure that the character and appearance of the area is maintained to a satisfactory level.

In light of the above it is considered that the proposed development fundamentally complies with policy H1, H3, H4 and DM13 of the Powys Local Development Plan (2018) in terms of design and the impact the proposed development has upon the character and appearance of the area.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties, regard 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. As previously mentioned it was initially considered that the dwelling was inappropriately orientated with its front and back elevations being to the north/south, which would have had an overbearing impact upon the neighbouring dwellings located upon the Clatterbrune estate. The amended plans illustrate that the dwelling has been re-orientated by 90 degrees with the front/rear elevations facing to the east/west, this is considered to greatly reduce the impact the proposed development has upon the neighbouring residential properties. The height of the dwelling has also been reduced to avoid any potential impact to the neighbouring properties. Consideration has been given to the 25 degree rule in relation to access to daylight by neighbouring properties because initially the submitted plans did not comply with this rule, however, following amendments in the design, size and orientation of the dwelling, the proposed development is now in compliance with the 25 degree rule.

The re-orientation of the dwelling and the reduction in openings further reduces the impact upon the nearest neighbouring property. The window located upon the ground

floor of the proposed development on the southern elevation is set below the height of the neighbouring dwelling and is to be used as an office space. It is therefore considered in light of the above that the proposed development will not have an overbearing impact upon the amenities enjoyed by occupiers of neighbouring residential properties.

Highway Safety

Policy DM13 part 10 states that development proposals should meet all highway access requirements (for transport users) and parking standards which include a safe access, visibility splays and adequate parking.

Powys County Council's Highway Authority have been consulted on the proposed development as the development seeks to create an improved access and parking area. The Highway Authority noted the previous applications within the application site area and adjoining area (P/2016/0128 and P/2016/0137). The Highway Authority had previously requested in association with the previous applications that full details of a scheme for the provision of highway improvements to the unclassified highway U1907 be submitted. The Highway Authority have stated that it is accepted that widening the county highway between 9 and 10 Clatterbrune is not an option, however, it has been established that a betterment to the road alignment and environment would be welcomed to promote highway safety and would mitigate the effects of any additional traffic created by the proposed development. As such the Highway Authority have required this be taken into consideration.

The Highway Authority also requested upon the previous applications that rather than the creation of a formal footway in this area, resurfacing works are carried out to link the existing footway outside no. 9 to the application site. The Highway Authority also recommended that a coloured surface be laid with white lining to distinguish between the pedestrian and vehicle areas. As well as the inclusion of a footway abutting the site, to link the football club with the pedestrian coloured surface as above will further maintain pedestrian priority and safety.

The Highway Authority have therefore confirmed that the carriageway alignment turns too steeply after entering the site and should take a wider curve with a footway and carriageway filling the space available within the land owned by the applicant. By straightening the alignment and widening of the carriageway evenly on both sides, forward visibility should be improved and passing space made readily available. The Highway Authority have also stated that drawing no. HPD07 shows the driveway for the proposed dwelling, this plan is unclear as to whether the driveway will have 2 accesses or whether the new 1800mm close boarded fence will run along the full eastern boundary of the site.

Following the submission of revised plans in order to rectify the concerns raised by the Highway Authority, the Highway Authority stated that the revised plans did not take into account the earlier comments made and in fact the revised plan posed more of a

detriment to highway safety due to the access now joining the carriageway at a point with restricted visibility due to the existing fence line of no.9 Clatterbrune. The Highway Authority therefore requested that the initial access off the 'new private road' be reinstated and the one on the eastern boundary closed up with a fence.

The Highway Authority have stated that they do not wish to oppose the application, however, it does seek a commitment from the applicant for alterations to the existing carriageway within their ownership. The works should lead to the creation of a footway and altered carriageway from the entrance to the site up to the edge of the land under the control of the applicant near to the entrance of the football ground.

Further plans were submitted, specifically drawing number HPD07 Rev C which made amendments to the access and site boundaries, and Powys County Council's Highway Authority were re-consulted. The Highway Authority have stated that they no longer wish to oppose the development and recommend appropriately worded conditions which will ensure that an appropriate access and parking areas are provided for as part of the development. The Highway Authority have also requested that a condition is imposed upon the granting of any consent to ensure that a scheme is submitted with full details for the construction of all on site infrastructure as well as a pedestrian footway and carriageway improvements.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that highway safety will be improved to the Presteigne Football Club. It is therefore considered that the proposed development fundamentally complies with policy DM13 and T1 of the Powys Local Development Plan.

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.

Powys County Council's Ecologist has been consulted on the proposed development as it has potential to impact upon a natural environment asset. The Ecologist has reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 47 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded included bat species, otter, hare, house sparrow and song thrush. The Ecologist also noted that the statutory designated site known as the SSSI – River Lugg was located approximately 299m from the application site.

The Ecologist has confirmed that having reviewed the location and nature of the proposed development in relation to the SSSI that the proposed development would not

result in a negative impact to the designated site or its associated features. The proposed development is located on a site located between an existing playing field (Presteigne Football Club) and housing development, as a result the Ecologist has stated that the development is likely to impact areas of hard standing and amenity planting which are habitats considered to be of relatively low ecological value.

It is noted that a number of trees will need to be removed in order to accommodate the new access. The Ecologist has stated that it should be assumed that any mature native-species tree is an actual bat roost as bat tree roosts are extremely difficult to identify. Given that the proposed works will involve the felling of mature trees consideration has been given to the potential for the tree and surrounding area to support roosting bats. The Ecologist has stated that having reviewed the site it is considered that there may be potential for bats to be present and affected by the proposed development as the surrounding habitat is ideal for bats with areas of woodland, trees and watercourses. As a result the Ecologist has required as a minimum that a preliminary assessment of the proposed development site for its bat roost potential and the potential for any impacts is required.

It is also noted that a mature tree on the proposed development site is to remain as part of the proposed development. However, there may be a potential for construction works including use of machinery or storage of materials to take place within the root protection area (RPA) and canopy of the mature tree identified. It was therefore considered prudent to require information from the applicant as to how this feature of biodiversity importance for wildlife will be protected during the construction period of works. It is also noted that a number of trees will be removed in order to accommodate the proposed developments access. Limited details have been submitted with the initial submission regarding the impact of the proposed new access on the trees present or any compensation measures. As such the Ecologist has stated that a Tree Protection and Replacement Plan is secured via an appropriately worded condition should planning permission be granted. Careful consideration will also be required to be given to any external lighting proposed in order to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. Again the Ecologist has recommended that this be secured via an appropriately worded condition, unless the submission of a wildlife sensitive lighting plan is submitted prior to the determination of this application.

Following the submission of additional information in the form of the Bat and Breeding Bird Survey of Silver Birch Trees produced by Churton Ecology dated August 2019, Powys County Council's Ecologist has been re-consulted. It is noted that 6 silver birch trees are present on site and were surveyed for their suitability to support roosting bats. It was recognised that possible suitable features were identified, however, upon closer inspection the features were characterized as being unsuitable to support roosting bats as they were too shallow and contained water. Following these findings the report confirms that the proposed development will not result in the disturbance, loss of roost locations or the destruction of resting places, as such no further surveys are considered necessary. Thus no mitigation measures are required in light of the findings, however,

biological enhancements have been suggested within the Ecology Statement as part of the application as well as details within the submitted plans, demonstrating the use of bat and bird boxes located upon the existing dwelling. The additional information also provides details with regards to the landscaping of the site and tree protection measures, the Ecologist has considered that these are appropriate and acceptable and therefore has recommended adherence to the plans submitted.

In light of the above and subject to the attachment of an appropriately worded conditions it is considered that the proposed development fundamentally complies with policy DM2 of the Powys Local Development Plan (2018), TAN 5 and Planning Policy Wales (2018).

Environmental Health

Powys County Council's Environmental Health Officers have been consulted on the proposed development in order to consider matters including noise levels and foul drainage to ensure compliance with planning policy DM13 of the Powys Local Development Plan.

The Environmental Health Officer has noted the residential nature of the surrounding area where the proposed development will be sited and has given consideration to noise creation. The Officer as a result has recommended that during the landscaping and construction period, working hours and delivery times are restricted to appropriate hours of the day to prevent unnecessary noise nuisance to residents of neighbouring properties.

Welsh Water have also been consulted on the proposed development as it is proposed for the foul sewage to be disposed of via the mains sewer network. Welsh Water have confirmed that they have no objection to the proposed development

The proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. As such the development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'.

Powys County Council's Land Drainage team have assessed the application as the SuDS Approval Body (SAB) and have deemed that the construction area is greater than 100m² and therefore the proposed development will require SAB approval prior to any construction works commencing onsite.

Therefore in light of the above comments and the attachment of an appropriately worded condition it is considered that the proposed development complies with policy DM13 of the Powys Local Development Plan.

Impact on Character, Appearance and Setting of Listed Buildings and Conservation Areas

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 in 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.

Policy SP7 seeks to protect strategic resources and assets from inappropriate development. Listed Buildings and Scheduled Ancient Monuments are listed within this policy under criterion 2 as assets to protect. Technical Advice Note 24 states the listed buildings are nationally important assets which represent a unique source of information about the past and make a valuable contribution to the quality and character of Welsh landscapes and townscapes. Special consideration should be given to the importance and grade of the building as well as its intrinsic architectural or historic interest especially the impact of the proposed works on the significance of the building. Attention should be given to the physical features of the building which justify its listing and contribute to its significance, including any features of importance such as the interior.

Powys County Council's Built Heritage Officer has been consulted on the proposed development due to the proposed dwelling being within close proximity of Clatterbrune House, a Grade II Listed Building. The Officer has noted that the development is located upon land adjacent to an existing residential development and given the tree cover at Clatterbrune House the Built Heritage Officer has considered that the proposal would not affect the setting of Clatterbrune House and therefore raises no objection to this development.

The Built Heritage Officer has also noted an adjacent development for the erection of two dwellings closer to Clatterbrune House that were approved on 25 November 2016 for a pair of Arts and Crafts style dwellings. The Officer has stated that with some regret the design of the proposed dwelling does not reflect local vernacular or building traditions. However, the Officer notes the location of the dwelling outside of the conservation area and has confirmed that they would not wish that should this development be approved that it would set a precedent for similar design on the adjacent plot associated with the application P2016/0137.

In light of the above it is considered that the proposed development fundamentally complies with policy SP7 of the Powys Local Development Plan, Technical Advice Note 24 and Planning Policy Wales (Edition 10, 2018).

RECOMMENDATION

Whilst acknowledging the concerns expressed, Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan. The recommendation is therefore one of consent subject to the conditions set out below.

Conditions

1 The development shall begin not later than five years from the date of this decision

2 The development shall be carried out in accordance with the following approved plans and documents; HPD07 Rev C, HPD08 Rev A, HPD12, HPD05 Rev A, HPD06 Rev A, HPD03 Rev A, HPD04 Rev A, HPD01 Rev A, HPD02 Rev A, HPD 12, HPD10 and HPD11.

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

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

4 The development shall be carried out strictly in accordance with recommendations, mitigation and enhancement measures identified in the Bat and Breeding Bird Survey of Silver Birch Trees report produced by Churton Ecology dated August 2019 and outlined in the Ecology Statement produced by CadTech Design dated August 2019, the identified measures will be adhered to and implemented in full and maintained thereafter.

5 External lighting at the site shall be undertaken strictly in accordance with the details identified in the Drawing HPD11 and Ecology Statement produced by CadTech Design dated August 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

6 The development shall be carried out strictly in accordance with the landscaping scheme illustrated on drawing number HPD11 and Ecology Statement produced by CadTech Design dated August 2019. The plans shall be adhered to and implemented in full and maintained thereafter.

7 Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved before the dwelling is occupied.

8 Prior to the construction of the dwelling hereby approved samples of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

10 Prior to the commencement of any works on site, the applicant shall submit and have approved in writing by the Local Planning Authority, full details of a scheme for the construction of all on site infrastructure including a pedestrian footway and carriageway improvements.

11 Prior to the first occupation of the dwelling, all improvements referred to in condition 10 shall be fully completed to the written satisfaction of the Local Planning Authority.

12 Prior to the first occupation of the dwelling, the erection of a 1800mm close boarded fence must be constructed along the eastern boundary of the site, as per drawing no HPD07 Rev C.

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

Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

3 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan.

4 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

5 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

6 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan.

8 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan.

9 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan.

10 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

11 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

12 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

13 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

Informative Notes

- 1 Having assessed the Planning Application Ref 19/0963/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

- 2 Please be aware that the proposed works will require Building Regulations approval. Should you wish to discuss the project please do not hesitate to contact Paul on paul.metcalfe@powys.gov.uk or 07876216734
- 3 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water

Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4 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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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 2017.

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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.

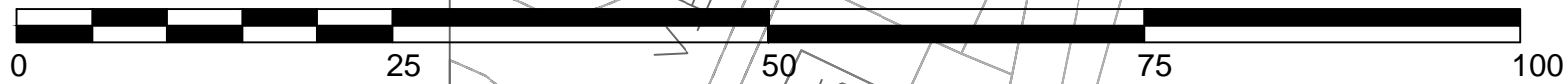
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained

from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

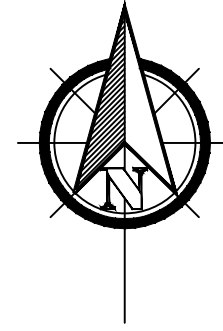
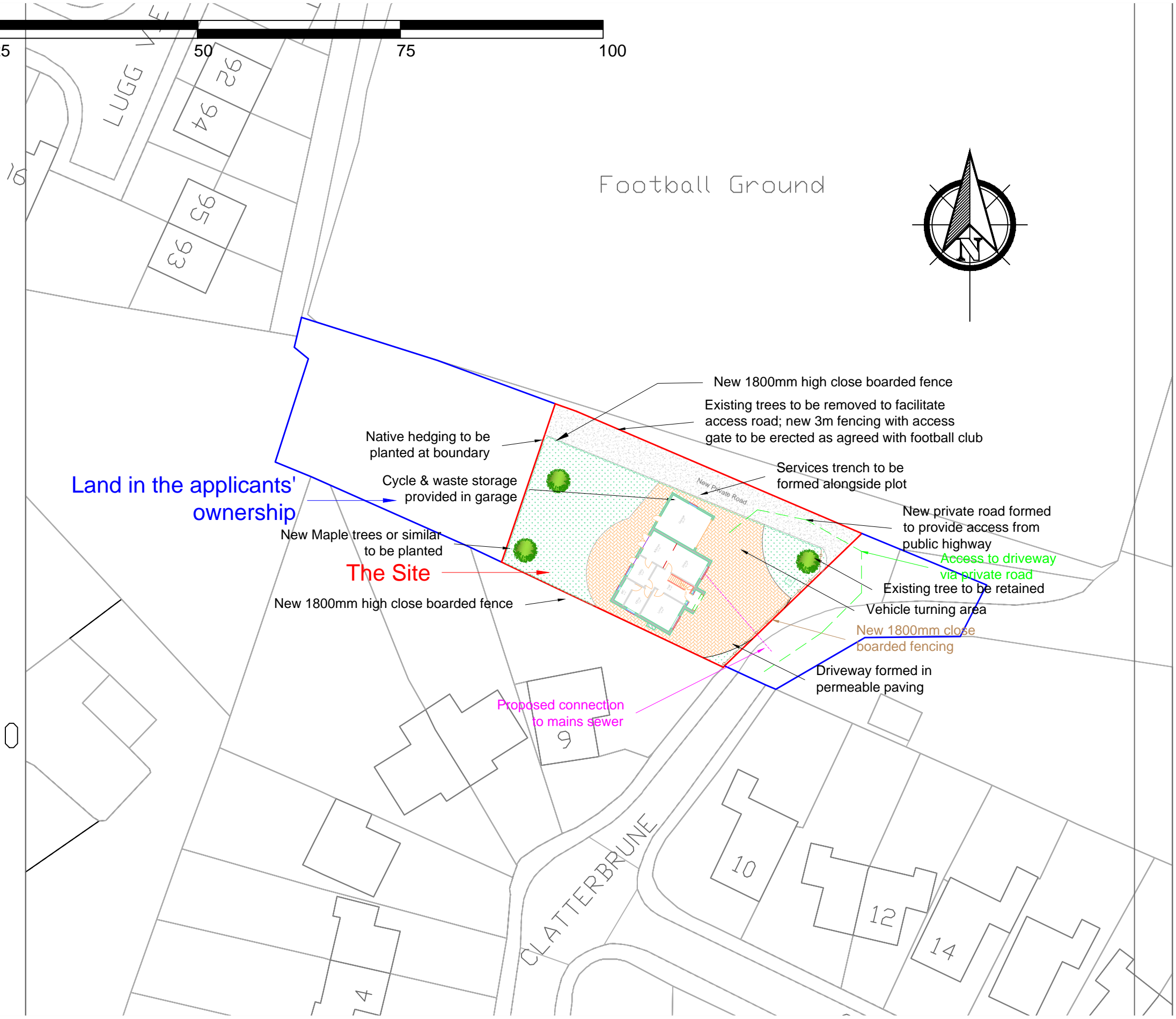
Protected Species

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

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



SCALE BAR 1:500



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Representations

One objection was received and is summarised below;

- Application allows developer to undertake works that a member of the public would not
- Original application is being continually amended and conditions removed
- The site floods

Planning History

App Ref	Description	Decision
P/2018/0587	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works	Approved
18/1019/DIS	Discharge of conditions 8 and 12 of planning approval P/2018/0587	Partial discharge approved
19/1161/NM A	Application for a non-material amendment to permission P/2018/0587 to alter the wording of conditions 9, 10, 13 & 14	Approved
19/1236/DIS	Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in relation to contaminated land and the external colour of the bulking facility	Pending Decision

Principal Planning Constraints

Contaminated land

Principal Planning Policies

National Planning Policy

Planning Policy Wales (10th Edition)

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 21: Waste (2014)
Technical Advice Note 23: Economic Development (2014)
Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Local Development Plan 2018

SP2 – Employment Growth
SP5 – Settlement Hierarchy
SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM5 – Development and Flood Risk
DM6 – Flood Prevention Measures and Land Drainage
DM7 – Dark Skies and External Lighting
DM10 – Contaminated and Unstable Land
DM13 – Design and Resources
DM14 – Air Quality Management
DM15 – Waste within Developments
DM16 – Protection of Existing Employment Sites
E1 – Employment Proposals on Allocated Employment Sites
T1 – Travel, Traffic and Transport Infrastructure
W1 – Location of Waste Development
W2 – Waste Management Proposals

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

Site Location and Description

The application site is located partially within and outside the development boundary of Abermule as defined by the Powys Local Development Plan 2018. The application site is accessed through an existing access from the B4386 which leads from the A483 trunk road to Abermule. The site is bound to the north by the B4386, the east and south by a railway line and the west by agricultural land and the A483.

Planning permission was granted for the construction of a recycling bulking facility to allow the bulking of paper, cardboard, cans, glass and plastic bottles under planning reference P/2018/0587. The hybrid application also granted planning permission in outline for the construction of 6 units for B1 (Business), B2 (General Industrial) and B8 (Storage or distribution) on the site. The current submission seeks to approve the site investigation methodology required by condition 17 of the full planning permission.

Land Drainage

Condition 17 read as follows;

‘No development shall commence until full engineering details and drawings for the surface water and land drainage arrangements, together with details on the surface water flood compensation pond has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the development.’

The application has been accompanied by the following;

- Supplementary soakaway testing by Arcadis
- Surface Water Drainage check by Micro Drainage
- Location Plan
- Existing Site Layout
- Proposed Surface Water Drainage Plan
- Surface Water Excess – Containment Plan
- Amended Field Access and Culvert
- Proposed Levels – Surface Water Compensation Area
- Soakaway Subgrade Detail
- Soakaway Tank Detail

Powys Land Drainage and Welsh Government Highways were consulted on the submitted information. Following review of the application the Powys Land Drainage department confirmed that they consider the information submitted acceptable to satisfy condition 17. Welsh Government also confirmed that they were satisfied with the information provided and were content to discharge the condition.

RECOMMENDATION

In light of the above it is recommended that the condition is discharged.

Case Officer: Tamsin Law, Principal Planning Officer
Tel: 01597 827230 E-mail: tamsin.law@powys.gov.uk

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Notes

ISSUED FOR PLANNING

KEY

- Application Boundary.
- Ownership Boundary.

Rev	Date	Description	By	Chkd

Amendments

Engineering Design Services

EDS West Manager : Steve Halliwell chg mick
 01545 572513 hgw@ceredigion.gov.uk
 West : Penmorfa, Aberaron, Ceredigion, SA46 0PA

EDS East Manager : Gareth Price chg clem mick
 0845 607 6060 gts.helpdesk@powys.gov.uk
 East : Powys County Council, County Hall, Spen Road East, Llanandras Wells, Powys, LD1 5LG
 South : Newydd, Brochwelogydd, Carmarthen, Carmarthen, Carmarthen, SA31 2YR

CSCC-CWC

Project: **Abermule Business Park Development.**

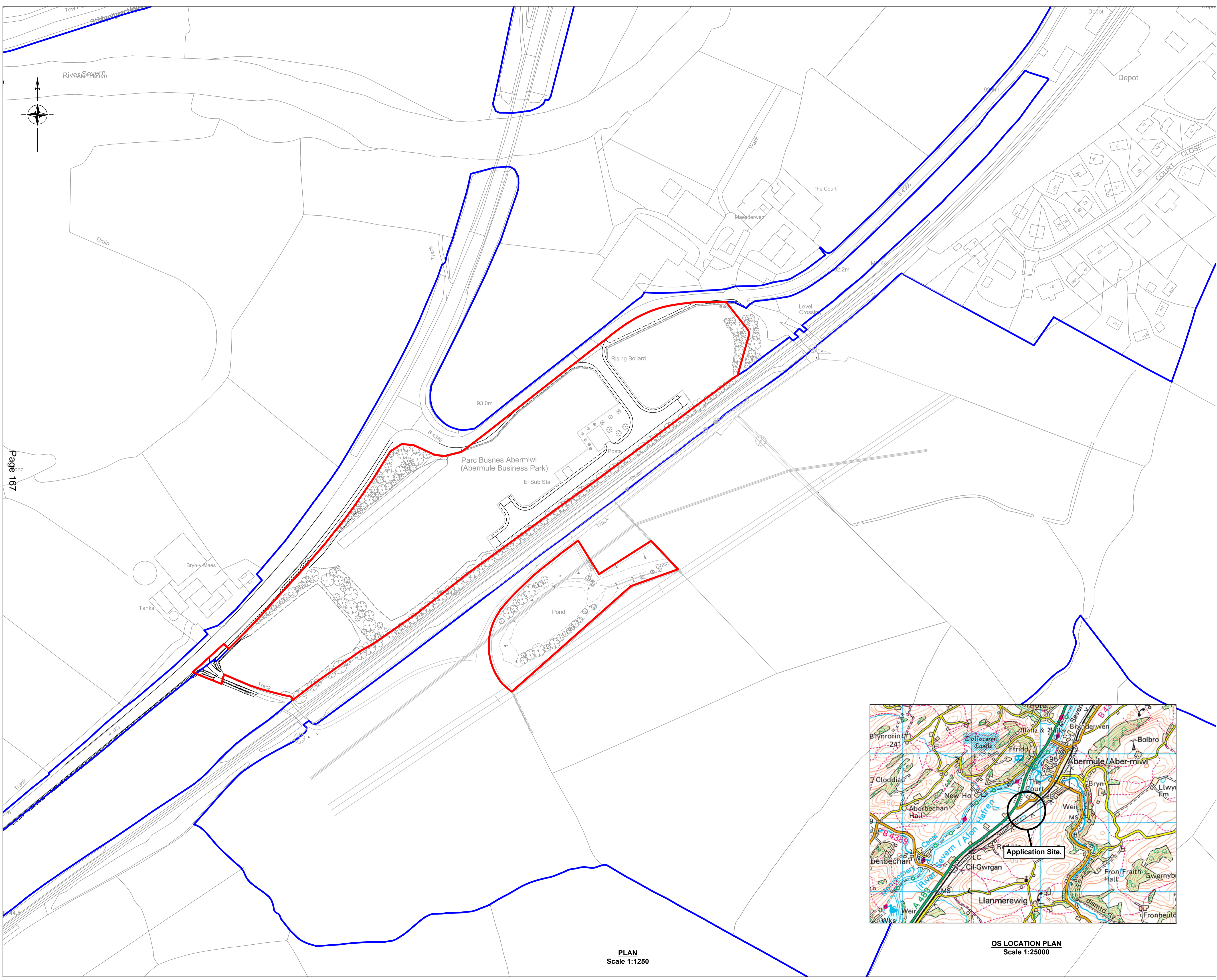
Drawing Title: **Location and Boundary Plan.**

By: LMC Checked: DB Scale at A1: **1:1250**

Date: 13/03/18

Project Number: **H2395** Drawing Number: **2395/P03/001** Revision:

ACS 150 0001 CHASAS 16001 Drawing Filename: 2395-P03 - Abermule Recycling Bulking Facility, Abermule Business Park.dwg 26/03/2018 Last saved: 26/03/2018



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4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1236/DIS **Grid Ref:** E: 315775
N: 294250
Community Council: Abermule And Llandyssil **Valid Date:** 08.08.2019
Community

Applicant: Powys County Council

Location: Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU

Proposal: Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in relation to contaminated land and the external colour of the bulking facility

Application Type: Discharge of Condition

The reason for Committee determination

The application has been submitted by Powys County Council.

Consultee Responses

Consultee

Community Council

4th Sep 2019

Condition 8 The Contamination report should have been presented and approved prior to the application to discharge items being considered. This application has been undertaken in the incorrect order. By doing this could endanger the health to residents and works on site.

With regards to condition 19 The Community Council has not been consulted or involved in discussion as previously stipulated.

The montage displayed totally misrepresents reality in respect of proportion of the building and its surroundings.

PCC-Contaminated Land Officer

1st Response

I have reviewed the following report submitted in support of the above application:

- Abermule Business park, Geo-environmental and Geotechnical Assessment Report. Dated May 2019 by Arcadis.

I can advise that this report satisfies condition 8.

2nd Response

I am satisfied that condition can be discharged.

Representations

Three objections were received and are summarised below;

- Committee do not have the right to hear the application as it has been pre-determined by the approval of 19/1161/NMA.
- No consultation with the community regarding the colour of the external cladding.
- Proportions of the building mis-represented in the submission.

Planning History

App Ref	Description	Decision
P/2018/0587	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works	Approved
18/1019/DIS	Discharge of conditions 8 and 12 of planning approval P/2018/0587	Partial discharge approved
19/1161/NM A	Application for a non-material amendment to permission P/2018/0587 to alter the wording of conditions 9, 10, 13 & 14	Approved
19/1356/DIS	Application to discharge condition 17 of planning approval	Pending Decision

Principal Planning Constraints

Contaminated land

Principal Planning Policies

National Planning Policy

Planning Policy Wales (10th Edition)

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 21: Waste (2014)

Technical Advice Note 23: Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Local Development Plan 2018

SP2 – Employment Growth

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM5 – Development and Flood Risk

DM6 – Flood Prevention Measures and Land Drainage

DM7 – Dark Skies and External Lighting

DM10 – Contaminated and Unstable Land

DM13 – Design and Resources

DM14 – Air Quality Management

DM15 – Waste within Developments

DM16 – Protection of Existing Employment Sites

E1 – Employment Proposals on Allocated Employment Sites

T1 – Travel, Traffic and Transport Infrastructure

W1 – Location of Waste Development

W2 – Waste Management Proposals

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

Site Location and Description

The application site is located partially within and outside the development boundary of Abermule as defined by the Powys Local Development Plan 2018. The application site is accessed through an existing access from the B4386 which leads from the A483 trunk road to Abermule. The site is bound to the north by the B4386, the east and south by a railway line and the west by agricultural land and the A483.

Planning permission was granted for the construction of a recycling bulking facility to allow the bulking of paper, cardboard, cans, glass and plastic bottles under planning reference P/2018/0587. The hybrid application also granted planning permission in outline for the construction of 6 units for B1 (Business), B2 (General Industrial) and B8 (Storage or distribution) on the site. The current submission seeks to approve the site investigation methodology required by condition 8 and 19 of the full planning permission and condition 12 attached to the outline consent.

Contaminated Land

Condition 8 (full) and condition 12 (outline) read as follows;

'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'.

The application has been accompanied by the following;

- Geo-Environmental and Geotechnical Assessment Report by Arcadis
- Supplementary soakaway testing by Arcadis

Conditions 8 and 12 have previously been partially discharged where a Preliminary Ground Investigation report and Asbestos Results were considered. Following review of the submitted information as part of the current application, the Council's Contaminated Land Officer has confirmed that the information is acceptable to comply with condition 8 of the full consent and condition 12 of the outline consent.

Colour

Condition 19 of the full application reads as follows;

'Notwithstanding the approved plans, prior to the commencement of development details of the external colour of the recycling bulking facility shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.'

The application has been accompanied by the following;

- Sample of material in Anthracite (Grey) (RAL 7016)
- Justification for the colour
- Plans and elevations detailing the colour of the cladding

It is noted that in the representations received from the Community Council and third parties that whilst comments are made regarding the lack of consultation on the proposed colour no objection has been raised to the colour proposed under the application by those third parties or the Community Council.

Officers have reviewed the submitted information and consider that the proposed use of Anthracite (Grey) cladding does not detract from the character and appearance of the area. The proposed colour is considered to be acceptable.

RECOMMENDATION

In light of the above it is recommended that the conditions are discharged.

Case Officer: Tamsin Law, Principal Planning Officer
Tel: 01597 827230 E-mail: tamsin.law@powys.gov.uk

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Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)	2018	National Policy
TAN 24	The Historic Environment	2017	National Policy
SP7	Safeguarding of Strategic Resources and Assets	2018	Local Development Plan 2011-2026

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

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 Location and Description

This site is located off the U2480 unclassified highway approximately 5.5 miles south east of Welshpool. The site is currently bound by the existing residential dwelling to the north, private access track to a neighbouring property to the west and south with an area of overgrown land and garden area to the south east.

This application seeks approval of the photographic survey required by condition 4 of planning permission P/2018/0713 which reads as follows;

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.otg.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

In accordance with the above, a photographic survey dated 28th August 2019 has been submitted. This has been reviewed by Clwyd Powys Archaeological Trust (CPAT) who has subsequently confirmed that the survey detail meets the requirements of the condition and therefore can be discharged.

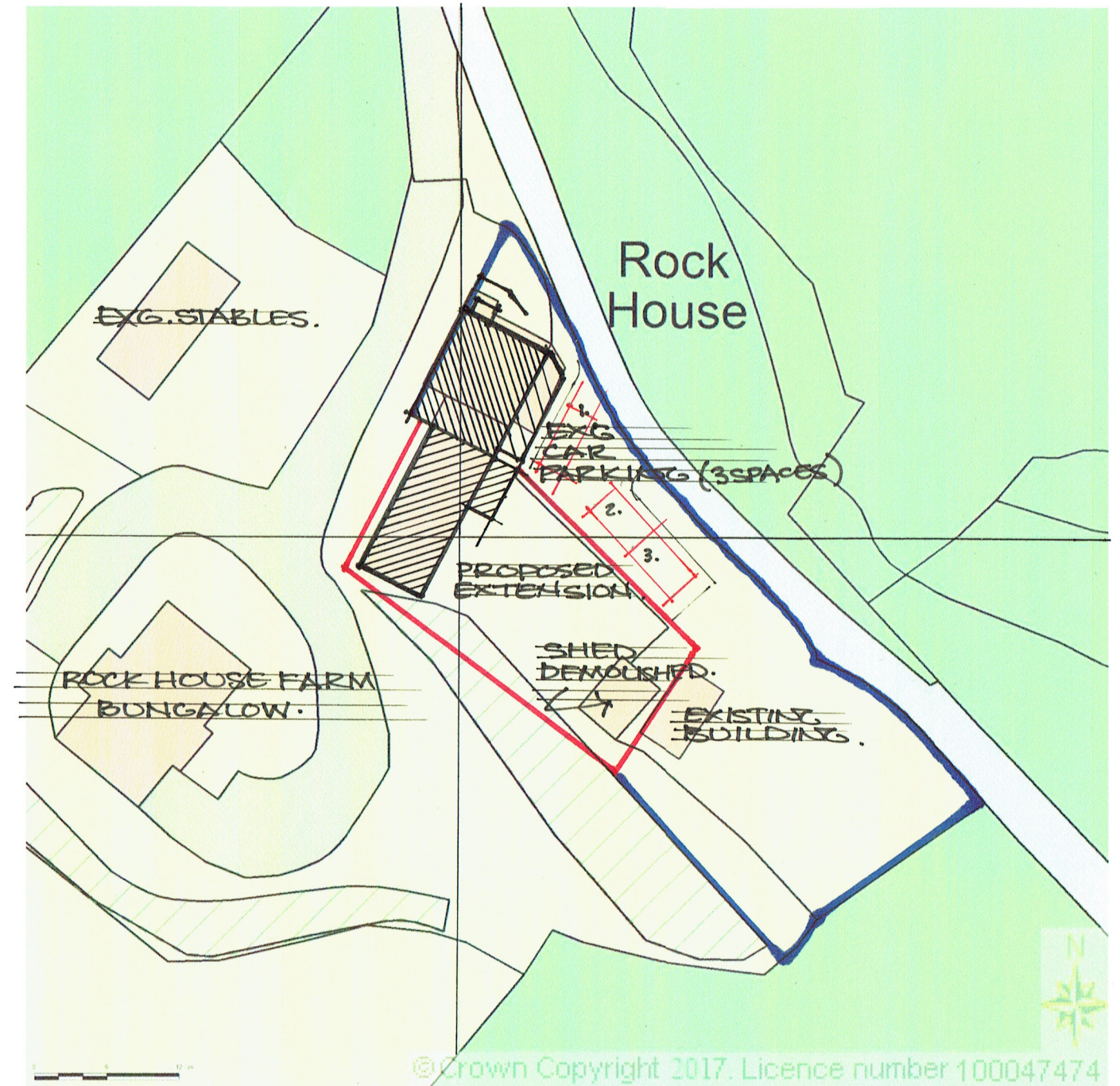
RECOMMENDATION

In light of the above, Officers consider that sufficient information has been submitted in order to discharge condition 4 of planning consent P/2018/0713. The recommendation is therefore one of approval.

Case Officer: Bryn Pryce, Planning Officer
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk

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BLOCK/SITE PLAN
 AREA 90m x 90m
 SCALE 1:500 on A4
 CENTRE COORDINATES: 327709, 304199



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ROCK HOUSE	PRG.No.	02 · B
MR & MRS. R. DEARING	REVISION A: REDRAWN	
TRELYSTAN · LEIGHTON	18.7.18	
WELSHPOOL · SY21 8HZ	REV. B. CARSPACES.	SCALE 1:500 @ A4
	5.9.18	

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4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1374/NMA

Grid Ref: E: 320376
N: 290839

Community Council: Kerry Community

Valid Date: 27.08.2019

Applicant: Powys County Council

Location: Village Hall, Sarn, Newtown, SY16 4EJ,

Proposal: Application for a non-material amendment to planning permission 18/0922/RES / P/2017/1489 in respect of previously approved plans

Application Type: Non-Material Amendment

The reason for Committee determination

The application is submitted by Powys County Council and therefore in accordance with the Planning Protocol is required to be determined by Members.

Consultee Responses

In accordance with the Development Management Procedure Order (2016), Members are advised that there is no statutory requirement to undertake consultation.

Planning History

App Ref	Description	Decision	Date
P/2017/1489	Outline: Erection of 7x affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved)	Consent	15.03.2018
18/0922/RES	Reserved matters for details of access, appearance, landscaping, layout and scale in connection with proposed development of 7 no. affordable dwellings and all associated works	Approve	25.03.2019
P/2016/0236	Erection of 5 affordable dwellings,	Consent	28.07.2016

including widening of existing road and formation of new agricultural access and associated works.

18/1065/DIS	Discharge of condition 8 of planning approval P/2017/1489 in relation to affordable housing details	Approve	25.03.2019
19/0745/DIS	Discharge of conditions 14 and 15 of planning consent 18/0922/RES in respect of a tree specification and hedgerow translocation method	Approve	06.08.2019

Principal Planning Policies

National Policies and Guidance

Section 96A Town and Country Planning Act 1990 – Planning Guidance – Approving Non-Material Amendments to an existing planning permission

Planning Policy Wales (2018)

Technical Advice Note (TAN) 12: Design (2016)

Local Policies

Powys Local Development Plan (2018)

SP1 – Housing Growth

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM13 – Design and Resources

H1 – Housing Development Proposals

H2 – Housing Sites

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Officer Appraisal

Site Location and Description

This application site is located off the classified highway (C2053) opposite Sarn School and adjacent to the Village Hall. The site comprises of an agricultural field used for the purposes of grazing. The site is bound by agricultural land to the south east and south west. The classified highway bounds the site to the north east.

The application site benefits from outline and reserved matters consent for seven affordable dwellings granted under P/2017/1489 and 18/0922/RES respectively. This non-material amendment application seeks to make changes to that approved under the reserved matters application for the site (18/0922/RES).

Consideration of the proposed amendment

Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission via a simple application procedure to the local planning authority. The relevant section also enables new conditions to be imposed or existing conditions to be removed or altered providing the resultant effect is a non-material change. The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

In determining an application for non-material amendments, consideration must be given to the effect of the change on the previous approved application. Paragraph 2.6 of The Planning Guidance - Approving Non Materials Amendments to an existing planning permission states that when assessing and maybe determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities ought to consider the following tests:

Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?

The proposed amendments include a change to the pitch and height of the consented dwellings, revised positioning of windows, revised porch design, addition of window surrounds, removal of the brick plinths and changes to the site layout plan which includes revised parking space locations and reduced numbers of spaces than shown on approved plan 2647/P21002 REV B and 2647/P21002 REV B.

These plans do not correspond to the approved landscaping plan. This NMA application shows 17 parking spaces including 14 resident parking spaces and 3 visitor parking spaces. This accords with the relevant standard of one parking space per bedroom. The dwellings in total will have 15 bedrooms across the site and therefore the site layout provides sufficient parking spaces to meet the relevant standards.

The proposed changes predominantly affect the external appearance of the consented units, particularly the pitch and height of the single storey units and the design of the front porch. The height of the bungalows as amended measures approximately 6.1 metres to the ridge with a steeper pitch in comparison to the previously approved ridge height of 5 metres.

The proposed porches are larger than previously approved and are to be of timber frame construction on a brick plinth with a pitched slate roof. The proposed porch design is considered to enhance the design of the proposed dwellings.

Notwithstanding the proposed amendments, Officers consider that the proposed change is not great enough to cause an impact different to that caused by the original application approved.

Would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The proposed amendment would result in a different visual appearance of the dwellings proposed, although it is considered that the proposed changes would not have a detrimental impact either visually or in terms of local amenity.

Would the interest of any third party or body be disadvantaged in planning terms?

The interests of any third party or body would not be disadvantaged in planning terms by the proposed amendment.

Would the proposed change conflict with national or development plan policies?

The proposed amendment to the original application 18/0922/RES does not have a detrimental impact upon neighbour or visual amenity different to that caused by the original application. The proposed changes are therefore supported by policy DM13 of the Powys Local Development Plan 2018 and Technical Advice Note (TAN) 12 (2016).

Conclusion

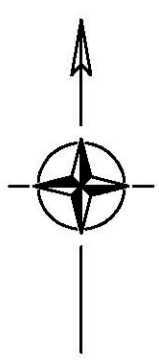
In light of the above considerations, the proposed amendment to the original permission 18/0922/RES is considered to be acceptable in that it qualifies as a non-material amendment, therefore the application is recommended for **approval**.

RECOMMENDATION

The recommendation is one of approval.

Case Officer: Bryn Pryce, Planning Officer
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk

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To Kerry

To Churchstoke

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Notes

KEY

- Application Boundary.
- Ownership Boundary.

ISSUED FOR PLANNING

Amendments				
Rev	Date	Description	By	Chkd
A	23/10/17	Scale changed to 1:1250 and outline amended	AP	

Engineering Design Services

EDS West Manager: Steve Hallows (01545 572513) shw@ceredigion.gov.uk
 EDS East Manager: Gareth Price (01845 607 6060) ts.helpdesk@powys.gov.uk

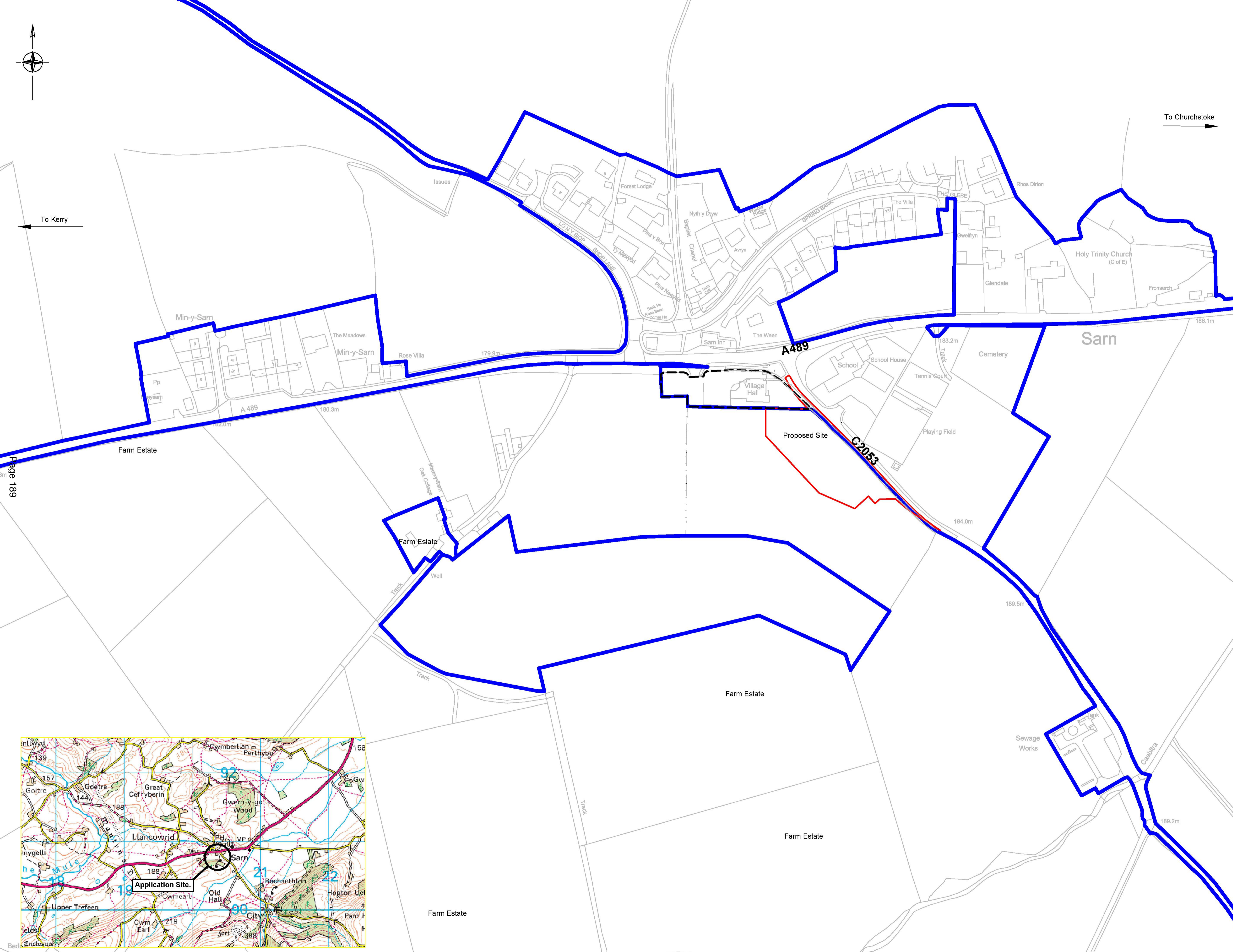
CSCC-CWIC **Powys**

Powys County Council
 Housing Development Sites

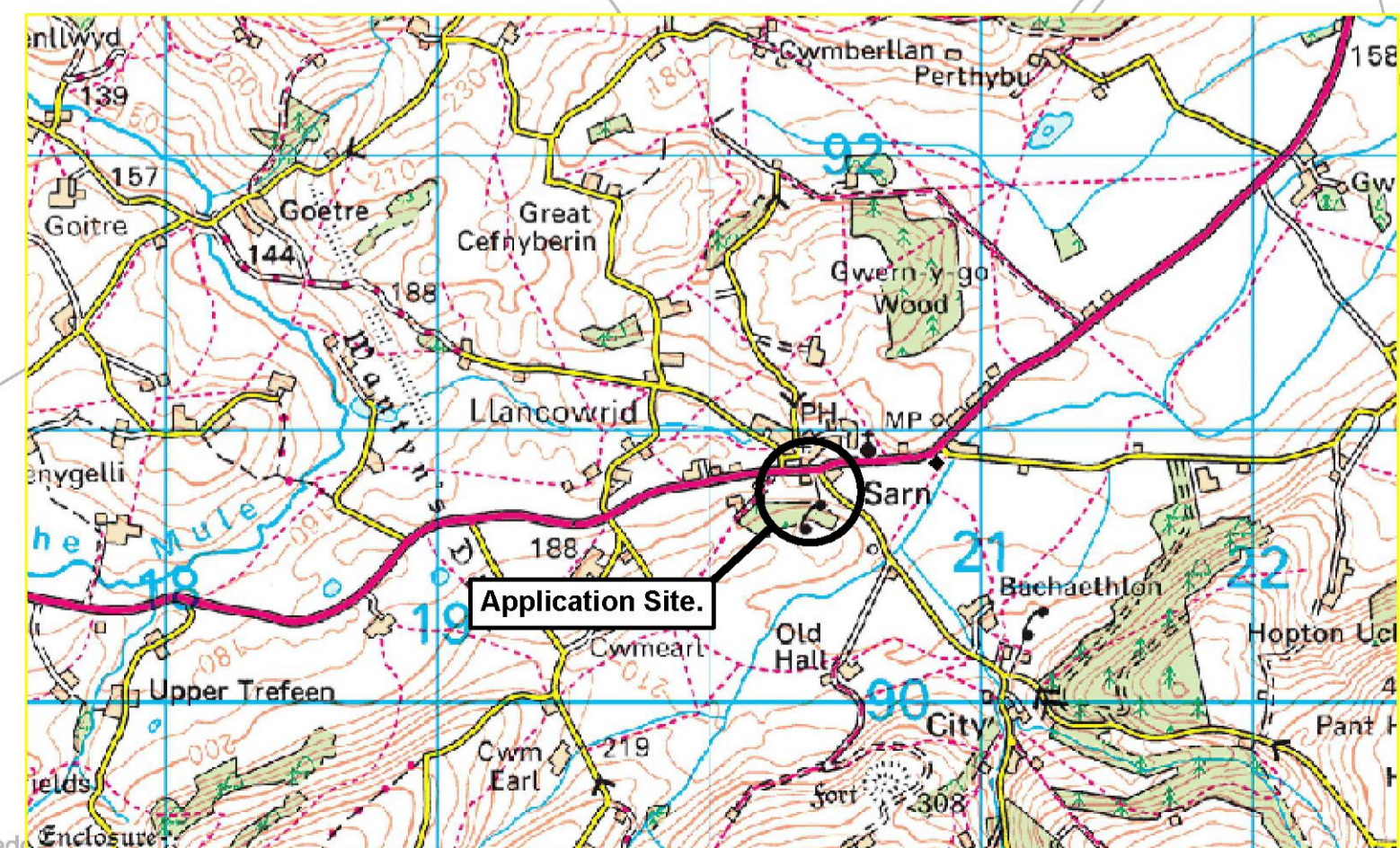
Land Behind Sarn Community Centre
 Location and Boundary Plan.

By: LMC	Checked: SK	Scale at A1: 1:1250
Date: 23/10/17		
Project Number: 2647/21	Drawing Number: 2647/P21/001	Revision: A

ACS 1:8 0 0 1
 Drawing Filename: 2647 P21 - Land Behind Sarn Community Centre Rev A AP amendment to location plan.dwg
 Date: 23/10/17



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OS LOCATION PLAN Scale 1:25000

PLAN Scale 1:1250

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77 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Bausley With Criggion Community	Approve	28/06/2019	19/0751/FUL	Full Application	19/09/2019	Change of use of the existing building to shop/cafe (mixed use A1/A3) together with construction of an extension	Brook House Coedway Crew Green Powys SY5 9AT
	Approve	10/07/2019	19/1158/DIS	Discharge of Condition	13/09/2019	Discharge of condition 4 of planning permission 19/0148/RES in relation to materials	Land Adjacent To Tan Y Bryn Coedway Crew Green Powys SY5 9AR
Begunty Community	Approve	25/01/2019	19/0118/FUL	Full Application	09/09/2019	Change of use of land to site 2 yurts and all associated works (part retrospective)	Llethrau Felindre Knighton Powys LD7 1YT
	Approve	08/05/2019	19/0674/FUL	Full Application	20/09/2019	Change of use and conversion of barn into multi-purpose space with annex living accommodation	The Fron Lloyney Knighton LD7 1RH
Berriew Community	Approve	26/07/2019	19/1275/HH	Householder	12/09/2019	Erection of a single storey 'lean to' extension	Pen Y Sarn Berriew Welshpool Powys SY21 8BB

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	Approve	07/08/2019	19/1314/TRE	Works to trees in Conservation Area	05/09/2019	Application for works to trees in a conservation area	Birwood Malthouse Lane Berriew Welshpool Powys SY21 8PG
Bettws Community	Approve	26/07/2019	19/1188/CLE	Certificate of Lawfulness - Existing	18/09/2019	Section 191 application for lawful development certificate for occupation of a dwelling without compliance on condition 4 of planning permission M24709 (agricultural and forestry restriction)	Bronheulwen Betws Cedewain Newtown Powys SY16 3LF
Caersws Community	Approve	18/12/2018	18/0987/FUL	Full Application	11/09/2019	Siting of 30 static caravan derived holiday lodges, construction of new roadways and all associated works	Maesmawr Farm Resort Moat Lane Caersws SY17 5SE
Carno Community	Approve	15/08/2019	19/1378/VAR	Discharge/Modification of S106	18/09/2019	Modification of S106 agreement attached to permission M/2002/1122 relating to occupancy of plot 12	25 Maes Y Dafarn Carno Caersws Powys SY17 5NG
Carreghofa Community	Approve	27/06/2019	19/0942/HH	Householder	12/09/2019	Demolition of existing car port, erection of extensions, alterations to dwelling and all associated works	Offas Way Llanymynech Powys SY22 6JY

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77 Applications

Cilmery Community	Approve	20/06/2019	19/0985/REM	Removal or Variation of Condition	11/09/2019	Section 73 application to vary condition no. 2 attached to planning permission P/2016/0230 to allow a revised design including an extension (part retrospective)	Fishing Hut Rhosferig Road Llanfihangel Bryn Pabuan Builth Wells LD2 3RG
	Approve	03/07/2019	19/1113/HH	Householder	10/09/2019	Erection of a conservatory	Midway Bungalow Cilmery Builth Wells Powys LD2 3LH
Clyro Community	Approve	09/08/2019	19/1266/DIS	Discharge of Condition	10/09/2019	Discharge of condition 21 from planning consent PR569201 in relation to the window details	Long Barn Boatside Barns Boatside Farm Clyro Hereford Powys HR3 5RS
Duhonw Community	Approve	20/06/2019	19/0954/FUL	Full Application	05/09/2019	Conversion of outbuilding to a holiday let unit including construction of porch and associated works	Newfoundwell Newry Road Builth Wells LD2 3DQ

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77 Applications

Felin-Fach Community	Approve	29/07/2019	19/1125/HH	Householder	12/09/2019	Erection of an extension and all associated works	Pen Y Rallt Llanfilo Brecon LD3 0RF
	Approve	19/08/2019	19/1398/DIS	Discharge of Condition	11/09/2019	Application to discharge conditions 5 and 6 of planning approval P/2016/0263	Land At Argoed Barns Talachddu Brecon Powys LD3 0UG
Forden With Leighton & Trelystan Com	Approve	14/02/2019	19/0103/FUL	Full Application	06/09/2019	Change of use of agricultural field to playing/sports field, construction of a levelled area, and erection of perimeter fence	Field Adjacent Village Hall Leighton Welshpool Powys SY21 8HH
	Approve	24/05/2019	19/0837/HH	Householder	05/09/2019	Erection of an extension	1 The Pentre Leighton Welshpool Powys SY21 8HW
Glasbury Community	Approve	15/04/2019	19/0471/FUL	Full Application	24/09/2019	Change of use of land from agricultural to storage/office to include office/garden shed, container and canopy with creation of entrance and hardstanding (part retrospective).	Land Adjacent To Brooklyn Brookside Glasbury Hereford Powys HR3 5NF
Glascwm Community	Approve	19/07/2019	19/1175/FUL	Full Application	11/09/2019	Erection of an agricultural building and all associated works	Land At Cwm Newydd Betws Hundred House Llandrindod Wells Powys LD1 5RW



Delegated List

77 Applications

Hay Community	Approve	01/11/2018	18/0900/DIS	Discharge of Condition	12/09/2019	Discharge of conditions 7, 8, 9, 10 and 11 from planning permission P/2017/1138	2 The Burlands Gipsy Castle Lane Hay-On-Wye Powys HR3 5PW
Kerry Community	Approve	16/09/2019	19/1505/CLE	Certificate of Lawfulness - Existing	18/09/2019	Section 191 application for a lawful development certificate of an existing development relating to the erection of an annexe	Lower Cefn Perfa, Dolfor Newtown SY16 4DW
Llanbadarn Fynydd Community	Approve	22/10/2018	18/0800/FUL	Full Application	20/09/2019	Erection of an agricultural storage building	Land To The East Of Upper Llaithddu Davids Well Llandrindod Wells LD1 6YS
Llanbrynmair Community	Approve	02/07/2019	19/0933/CLE	Certificate of Lawfulness - Existing	16/09/2019	Section 191 application for a lawful development certificate of existing use for the installation of flues on biomass installations	Ty Isaf Bontdolgadfan Llanbrynmair SY19 7BQ
	Approve	17/07/2019	19/1095/DIS	Discharge of Condition	05/09/2019	Discharge of conditions 10 and 16 from planning permission 18/0743/Ful in relation to passing bays and landscaping	Nant Yr Esgairwen Talerddig Llanbrynmair SY19 7AJ
Llandinam Community	Approve	01/08/2019	19/1302/VAR	Discharge/Modification of S106	18/09/2019	Application to discharge a Section 106 legal agreement attached to planning permission M25704 (occupancy restriction)	Tan Y Graig Llandinam Powys SY17 5BG

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Llandrindod Wells Community	Approve	15/07/2019	19/1073/DIS	Discharge of Condition	23/09/2019	Dicharge of condition 19, 24 and 26 of planning approval19/0021/FUL	Land East Of Ithon Road Ithon Road Llandrindod Powys LD1 6AS
Llandrinio And Arddleen Community	Approve	27/06/2019	19/1009/HH	Householder	06/09/2019	Erection of an extension, to include the demolition of a conservatory and all associated works	Dragon Bridge Cottage Arddleen Llanymynech Powys SY22 6RU
	Approve	14/08/2019	19/1307/NMA	Non-Material Amendment	10/09/2019	Non-material amendment to planning consent 19/0399/HH in respect of external materials	Ty Derwen Burgedin Sarnau Llanymynech Powys SY22 6QL
Llandysilio Community	Approve	29/08/2019	19/1279/NMA	Non-Material Amendment	18/09/2019	Application for a non-material amendment to planning approval P/2018/0356 to reduce the scale of the extension and to use a different wall facing material	Shaftesbury Four Crosses Llanymynech SY22 6RE
	Permitted Development	16/08/2019	19/1277/AGR	Agricultural Notification	10/09/2019	Erection of a forestry utility / amenity building	Brynmawr Farm Brynmawr Llanymynech Powys SY22 6PQ

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Llanfair Caereinion Community	Approve	26/03/2019	19/0524/FUL	Full Application	13/09/2019	Erection of a poultry unit, associated silos and associated works	Rhiwhiriaeth Isaf Llanfair Caereinion Welshpool Powys SY21 0DU
	Approve	17/06/2019	19/0883/FUL	Full Application	09/09/2019	Erection of an extension to an existing silage clamp building and all associated works	Neuadd Uchaf Llanfair Caereinion Welshpool SY21 0HP
	Approve	06/08/2019	19/1328/AGR	Agricultural Notification	06/09/2019	Agricultural notification for erection of an agricultural building	Land At Glyn Hiraeth Llanfair Caereinion Welshpool Powys SY21 0BX
Llangurig Community	Approve	09/09/2019	19/1354/AGR	Agricultural Notification	20/09/2019	Application for prior notification of agricultural development for proposed road	Land Near Glanrhyd Pantmawr Llanidloes SY18 6SY
Llanidloes Without Community	Approve	18/07/2019	19/1100/FUL	Full Application	20/09/2019	Change of use to part bed and breakfast holiday accommodation and formation of parking area for six cars	Ty Capel Van Llanidloes Powys SY18 6NX
	Approve	02/09/2019	19/1402/NMA	Non-Material Amendment	20/09/2019	Application for non-material amendments to planning permission P/2008/1019 in respect of the design and type of unit of plots 1 - 3 of phase 1.	Pen Y Banc Glan-y-nant Llanidloes Powys SY18 6PQ

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Llanrhaeadr-Ym-Mochnant Community	Approve	04/06/2019	19/0911/FUL	Full Application	06/09/2019	Erection of an extension, formation of parking area and retained wall, demolition of lean to and all associated works	Tanat Foundry, Castle Fine Arts Llanrhaeadr-Ym-Mochnant Oswestry SY10 0AA
Llansantffraid Community	Approve	29/04/2019	19/0706/REM	Removal or Variation of Condition	10/09/2019	Section 73 application to vary condition 2 of planning consent M/2005/0967 in relation to the approved design of plots 1-5	Parc Bronyddon Llansantffraid-ym-mechain Powys SY22 6DZ
	Approve	14/08/2019	19/1364/TRE	Works to trees in Conservation Area	09/09/2019	Application for tree works within a conservation area to remove a large cedar tree	Hazel Mount Winllan Road Llansantffraid-ym-mechain Powys SY22 6AH
Llansilin Community	Approve	26/07/2019	19/1264/DIS	Discharge of Condition	20/09/2019	Discharge of condition 4 from planning consent 19/0511/FUL in relation to a pollution prevention plan	Nant Ucha Rhiwlas Nr Oswestry Powys SY10 7JJ
	Approve	26/07/2019	19/1265/DIS	Discharge of Condition	20/09/2019	Discharge of condition 3 from planning consent 19/0528/FUL in relation to a Tree Protection Plan	Ty Mawr Llansilin Nr Oswestry Powys SY10 7JW
Llanwrtyd Wells Community	Approve	16/05/2019	19/0593/OUT	Outline planning	12/09/2019	Outline: Erection of two dwellings, creation of access (with some matters reserved), and demolition of agricultural buildings	Land Adjacent To Llanwrtyd Station Station Road Llanwrtyd Wells Powys



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Permitted Development	24/07/2019	19/1197/AGR	Agricultural Notification	19/09/2019	Excavation and processing of minerals/aggregate for the purpose of constructing infrastructure	Land At Esgair Dafydd Forest Llanwrtyd Wells Powys
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Machynlleth Community	Approve	11/07/2019	19/1155/ADV	Advertisement Consent	16/09/2019	Advertisement consent for the erection of 1 fascia sign, 1 hoarding sign and 5 window graphics	4 Heol Pentrerhedyn Machynlleth Powys SY20 8DW
	Approve	11/07/2019	19/1156/LBC	Listed Building Consent	16/09/2019	Erection of advertisements; fascia, window hoarding and window graphics	4 Heol Pentrerhedyn Machynlleth Powys SY20 8DW
Meifod Community	Approve	11/07/2019	19/1053/DIS	Discharge of Condition	06/09/2019	Discharge of conditions 18, 20, 21 and 24 attached to permission P/2017/1294	Capel Ebenezer Meifod Powys SY22 5LN
Mochdre Community	Refused	03/07/2019	19/1071/REM	Removal or Variation of Condition	24/09/2019	Section 73 application to remove planning condition no. 1 attached to planning permission ref: 16030 (agricultural occupancy condition)	Coed Y Dinas Mochdre Newtown Powys SY16 4LA

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Nantmel Community	Approve	22/08/2019	19/1416/NMA	Non-Material Amendment	16/09/2019	Application for a non-material amendment to planning approval P/2016/0574 to amend conditions 6 and 10 to reduce the passing bays to two and the visibility splays from 90 to 59m	Penycraig Nant Glas Llandrindod Wells Powys LD1 6PD
New Radnor Community	Approve	23/11/2018	18/1017/DIS	Discharge of Condition	06/09/2019	Discharge of condition 30 of planning approval P/2014/0672 (APP/T6850/A/17/31761 28)	Land Off A44 SW Of Llandegley Llandrindod Wells Powys
	Approve	25/07/2019	19/1177/HH	Householder	17/09/2019	Erection of decking	5 The Porth New Radnor Presteigne Powys LD8 2SX
	Refused	19/11/2018	18/0993/DIS	Discharge of Condition	05/09/2019	Discharge of condition 31 from planning approval P/2014/0672 (APP/T6850/A/17/31761 28)	Land Off A44 SW Of Llandegley Llandrindod Wells Powys
Newtown And Llanllwchaiarn Community	Approve	13/05/2019	19/0698/HH	Householder	18/09/2019	Alterations and extensions to dwelling including demolition of existing garage	2 Meadow Lane Newtown SY16 2DU

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Approve	10/07/2019	19/1123/NMA	Non-Material Amendment	09/09/2019	Application for non material amendment to outline permission P/2017/1263 and reserved matters approval ref: 19/0095/RES (3 dwellings and 1 affordable dwelling, access and private drainage) in respect of change of layout of site access road and location of treatment plant.	Land Near Church House Orchard Llanllwchaiarn Newtown Powys SY16 3BH
Approve	17/07/2019	19/1146/DIS	Discharge of Condition	18/09/2019	Discharge of condition 4 from planning permission 19/0375/HH in relation to hedgerow removal.	Llwynon East Llwynon Lane Newtown SY16 2EE
Approve	29/07/2019	19/1066/HH	Householder	11/09/2019	Erection of a detached garage and workshop, to include all associated works	Brimmon House Newtown Powys SY16 3AE
Approve	01/08/2019	19/1217/HH	Householder	18/09/2019	Erection of extentions, to include some demolition	109 Garth Owen Newtown SY16 1JP
Approve	14/06/2019	19/1019/DIS	Discharge of Condition	11/09/2019	Discharge of conditions 14, 17 and 21 from planning consent P/2016/0455	Dolyhir And Strinds Quarry Old Radnor Presteigne Powys LD8 2RW

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Old Radnor Community

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Permitted Development	20/08/2019	19/1415/AGR	Agricultural Notification	10/09/2019	Application for prior notification for erection of an agricultural building	The Bache Farm New Radnor Presteigne LD8 2TG
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Painscastle Community	Approve	02/09/2019	19/1352/DIS	Discharge of Condition	20/09/2019	Discharge of condition 25 of approved planning permission P/2014/1116 Covering Letter	Development Cwm Henllan Barns Llandeilo Graban Builth Wells LD2 3YQ
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Photographic Survey:

- Barn A
- Barn B
- Barn C

St. Helmon Community	Approve	10/09/2019	19/1483/CLE	Certificate of Lawfulness - Existing	19/09/2019	Section 191 application for a Lawful Development Certificate of an Existing Development relating to the construction of a substation	Land Near Bryn Titli Wind Farm Llangurig Llanidloes Powys
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Tawe-Uchaf Community	Approve	21/05/2018	P/2018/0524	Outline planning	17/09/2019	Outline - Proposed replacement dwelling (some matters reserved)	Glendale Onllwyn Road Coelbren Neath SA10 9NW
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	Approve	27/03/2019	19/0480/FUL	Full Application	10/09/2019	Erection of an open market dwelling	Plot West Of Eleven Abercrave Terrace Teras Aber-craf Cae Hopcyn Abercraf Powys
	Approve	11/07/2019	19/1150/HH	Householder	12/09/2019	Erection of porch to front of dwelling	Brynheulog Bungalow Cefn Byrle Road Coelbren Neath Powys SA10 9NY
Trallong Community	Approve	14/08/2019	19/1287/AGR	Agricultural Notification	09/09/2019	Erection of an agricultural building	Troedyrhiw Pontfaen Brecon Powys LD3 9ND
Trefeglwys Community	Approve	11/01/2019	19/0132/FUL	Full Application	17/09/2019	Erection of a rural enterprise dwelling, formation of vehicular access, installation of septic tank and all associated works	Land At Llechwedd Fields Llawr-y-glyn Caersws Powys SY17 5RN
Treflys Community	Approve	22/05/2019	19/0819/FUL	Full Application	20/09/2019	Erection of an agricultural building	Tyn Y Cwm Abergwesyn Llanwrtyd Wells Powys LD5 4TS

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Welshpool Community	Approve	17/06/2019	19/0958/DIS	Discharge of Condition	06/09/2019	Discharge of conditions 3, 9 and 21 from planning permission P/2018/0272 in respect of affordable housing, landscaping and habitat management and lighting	Land Adj Gungrog Gallowstree Bank Welshpool Powys SY21 7XG
	Approve	05/07/2019	19/1093/FUL	Full Application	13/09/2019	Erection of an agricultural building and all associated works	Spring Bank Castle Caereinion Welshpool SY21 9AF
	Approve	19/07/2019	19/1174/DIS	Discharge of Condition	06/09/2019	Application to discharge condition 9 (Biodiversity) of permission P/2014/0422	Land At Croft House Red Bank Welshpool Powys SY21 7PL
	Approve	20/08/2019	19/1399/AGR	Agricultural Notification	13/09/2019	Erection of an agricultural storage building	Land Near Tynllwyn Farm Groes-pluen Welshpool Powys SY21 9BW
Ystradgynlais Community	Approve	20/12/2018	18/1092/DIS	Discharge of Condition	11/09/2019	Discharge of conditions 11 and 14 of planning approval P/2015/0176	Land At Bryn Henllys Open Cast Mine Site Near Cwmllynfell Upper Cwmtwrch Swansea Powys
	Approve	13/02/2019	19/0208/FUL	Full Application	06/09/2019	Proposed extension to create a holiday let, to include alterations to existing property and all associated works	2 Llundain Fach Brecon Road Ystradgynlais SA9 1ST



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Approve	19/02/2019	19/0259/HH	Householder	09/09/2019	Demolition and replacement of front extension, erection of double storey side and rear extensions. Formation of off-road parking	13 Heol Tredeg Upper Cwmtwrch Swansea Powys SA9 2XD
Approve	19/06/2019	19/1055/REM	Removal or Variation of Condition	13/09/2019	Section 73 application to vary condition 3, 17 and 21 of planning approval P/2017/1386 in relation to mitigation for bats.	Land Rear Of Jeffreys Arms Brecon Road Ystradgynlais Abertawe Powys
Approve	25/06/2019	19/0977/HH	Householder	18/09/2019	Erection of extensions and alterations to driveway	49 Station Road Ystradgynlais SA9 1NX
Approve	04/07/2019	19/0851/HH	Householder	06/09/2019	Demolition of garage and shed, and erection of replacement shed	16 Alder Avenue Eilanrhyd Ystradgynlais Powys SA9 1AQ

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