

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0134	Grid Ref:	316400.28 294538.45
Community Council:	Llandyssil	Valid Date:	Officer: 07/02/2017 Tamsin Law
Applicant:	Dolafon Gospel Hall Trust, Canal Close c/o Ivycroft Newtown Powys SY16 2HG		
Location:	Land adjacent to Abermule House, Abermule, Montgomery, Powys, SY15 6NH		
Proposal:	Full: Proposed residential development of 4 no. dwellings, new access, highways improvements and erection of new Church building (Place of Worship)		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application is being determined by Committee as it was called in by the Local Member (Cllr Wynne Jones) on the basis of highways matters and the implication that it has on traffic flows through Community of Abermule.

Site Location and Description

The application relates to the erection of four dwellings and a new church (Place of Worship), construction of new access roads and footways, car parking and service area and associated works on land adjacent to Abermule House, Kerry Road, Abermule.

The application site lies part within and part outside the development boundary of Abermule as defined by the Powys Unitary Development Plan. The residential element lies within the development boundary and is located on an allocated site for residential (M101 HA4). The site is bound by existing hedgerow to the north, existing agricultural land and forestry to the west, the B4368 to the south and Abermule House (a large detached dwelling finished in white render, timber windows and doors and slate roof) to the west. Opposite the site is the residential development of Court Close with the closest dwellings to the site characterised as single storey dwellings finished in red brick with tiles roofs.

The site will be accessed through a new access from the B4368 and will provide a pedestrian footway from the site into Abermule. The church will measure approximately 28 metres in width, 30 metres in depth with a maximum height of 6 metres falling to 2.5 metres at the eaves. The church will be finished with brickwork and timber clad walls, and a slate roof. The church site will also provide parking for up to 74 vehicles.

The proposed dwellings will be made up of two two storey four bedroom dwellings measuring 9.5 metres in width, 10.5 metres in depth with a maximum height of 8.3 metres falling to 5.3 metres at the eaves. The dwellings will be finished in stone and rendered walls, slate roof

and timber windows and doors. The two storey dwellings will be located to north of the site furthest away from the adjoining highway.

The remaining two dwellings will be two single storey three bedroom dwellings measuring 11 metres in width, 10.7 metres in depth, with a maximum height of 5.4 metres falling to 2.1 metres at the eaves. The dwellings will be finished with stone walls, slate roof and timber windows and doors. These dwellings will be located to the south of the site closest to the adjoining highway.

Consultee Response

Abermule with Llandyssil Community Council

Following a meeting of Abermule (with) Llandyssil Community Council it was agreed to object to the application' Below is the Council's response.

The Council objected to this application on the following grounds: –

1. This development with provision for 86 vehicles and cycles would radically increase the volume of traffic on the B4368 an extremely narrow winding road.
2. With the provision of hourly trains any increase in traffic would increase stationary tailbacks either side of the railway crossing, which would in turn increase traffic issues at the Kerry Junction, as the tailbacks encroach into the village.
3. The width of the road and footpath between the railway crossing and the development gives cause of concern, given the number of HGV vehicles and coaches using this road.
4. Whilst we appreciate the provision of a footpath, the layout necessitates pedestrians crossing the road creating another potential hazard.
5. Flooding concerns in relation to the amount of hard standing at the development. This would increase the amount of runoff of water into a nearby river increasing the risk of flash flooding in the village.
6. Any lighting on the site should be at a low level to avoid disturbing other residents and wildlife along the river Mule.
7. The Community Council seeks assurance that there would be no permitted development rights on this site.

The Council also wishes to express concerns over the community consultation process for this major development, the agent did not respond to our questions and failed to advertise community exhibition event as agreed, no posters displayed and only informed residents on Court Close, whilst other residents in individual dwellings adjacent the site and those along the Cefn Y Coed Road in close proximity were not informed.

Should it be determined to approve the application then the Council trusts that rigorous planning conditions be put in place with regards to run off from the site. Planning gains Community Councillors favoured the walkway along the river Mule with commuted sum to School and Community Centre. They could see little advantage to improving Railway Crossing gates and any highways improvement to Cefn y Coed road access would be more relevant to include with housing development sites as per. the LDP.

PCC - Highways

The County Council as Highway Authority for the County Class II Highway, B4368

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any works commencing on the development site detailed engineering drawings for all Highway Improvements as detailed on drawing numbers SK02 Rev A, SK03 Rev B, SK04 Rev C, SK05 Rev B, shall be submitted to and approved in writing by the Local Planning Authority. The Highway Improvements referred to shall include details of the access road within the site, new footway, forward visibility improvement, relocation of speed limit (the cost of which shall be met by the applicant), submission and approval of a Stage 1 / 2 Road Safety Audit and carriageway alterations on the B4368.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 96 metres distant in an Easterly direction and 60 metres in a Westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the first beneficial use of the development, the off street parking bays and circulation areas as detailed on the approved drawing[s] shall be fully completed to the written satisfaction of the Local Planning Authority. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 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.

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

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

Agricultural Access:

HC1 Prior to the completion of the Highway Improvements, any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC4 Within 5 days from the commencement of works on the agricultural access the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 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.

HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

HC22 Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

PCC - Building Control

Building Regulations application will be required for this development.

Severn Trent

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

Waste Water Comments

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

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

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

Clean Water Comments

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

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

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

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

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

Please attach all the relevant documentation and relevant fee and return the form to:

Severn Trent Water Ltd

PO Box 5311

Coventry

CV3 9FL

Telephone: 0800 707 6600

Email: new.connections@severntrent.co.uk

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

Cllr Wynne Jones:

I trust that this application is being treated as a major application and is coming to the Planning Committee for decision. If not I would want to call it in for Committee determination on the basis of the highway matters and the implication that it has on traffic flows through the Community of Abermule.

Can I also indicate that I would wish to speak at the Planning Committee as Local Member.

PCC - Environmental Health

Re: Proposed residential development of 4 no. dwellings, new access, highways improvements and erection of new Church building (Place of Worship).

Foul drainage

The proposal is to connect to the mains sewer system in Kerry Road. I have no objection to this proposal.

Construction-phase noise control

Due to the scale of the development and its proximity to residential housing, this department would recommend that the construction period working hours and delivery times be restricted as follows:

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

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

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

PCC – Contaminated Land

In relation to Planning Application P/2017/0134 the following advice is provided for the consideration of Development Control.

Advice

Historic ordnance survey (OS) maps identify that a railway line (Cambrian Railway – Kerry Branch) formerly occupied the Northern area of the application site.

Land associated with railways has the potential to be affected by land contamination, the Department for the Environment ‘Industry Profile: Railway Land’ (1995) provides information concerning the potential sources contamination.

Paragraph 13.5.1, of Chapter 13 ‘Minimising and Managing Environmental Risks and Pollution’, of the Welsh Government document ‘Planning Policy Wales’ advises: “responsibility for determining the extent and effects of instability or other risk remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners”.

In consideration of the available information, it is recommended that the following Condition and Note to the applicant are attached to any permission granted for Planning Application P/2017/0134:

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and the WLGA document ‘Development of land affected by contamination: a guide for developers’ 2012 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	Yes	<p>The total site area is understood to be 2.5 hectares and includes 4 dwelling houses and a place of worship. Therefore, the development does not meet or exceed two of the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares or include more than 150 dwellings. However, since the housing allocation area consists of 0.4ha the total development appears to include more than one hectare (2.1ha) of urban development that is not a dwelling house development.</p> <p>Therefore, I recommend that Powys County Council provide a screening opinion on whether this development requires EIA or not.</p>
Protected Species & Habitats¹	European Species	<p>A Preliminary Ecological Assessment (PEA) of the site has been completed and the report by Turnstone Ecology (dated October 2016) has been submitted with the application. The report generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009). A Construction Environmental Management Plan (CEMP) incorporating the mitigation and recommendations made in the PEA has also been completed by Turnstone Ecology (January 2017) and has been submitted with the application.</p> <p>Previous surveys at the site (Wildwood, 2012) identified bats, dormouse and otter as potential constraints to development and historical records of otter, pipistrelle & brown long-eared bats and great crested newts within 1km of the site.</p> <p>The Turnstone Ecology PEA report identified</p>

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

		<p>that the surrounding trees, boundary hedgerows and adjacent watercourse provide good foraging/commuting opportunities for bat species and that two Ash trees at the eastern end of the site have low to moderate bat roosting potential. The PEA report concludes that no bat roosting features will be affected by the proposals.</p> <p>The PEA report proposes mitigation for bats in the form of directing lighting away from hedgerows, trees and any new roosting provisions. A minimum of one bat box or tube on each building is also recommended as bat habitat enhancement. The Lingard Styles Landscape Plan (January 2017) includes the provision of 2no. bat boxes on mature trees at the site.</p> <p>No otter holts were identified on site during the survey, but the presence of otters close to the site has been assumed due to the presence of suitable otter habitat on the adjacent River Mule. The PEA report concludes that adoption and adherence to pollution control and drainage methods (included within the CEMP) would ensure no significant effect to Otters. The CEMP also proposes that any works within 10m of the River Mule would require a survey for otters and water voles in advance.</p> <p>The PEA report confirms that a population of dormouse is present 50m to the east of the site. Although no evidence of this species was recorded from the site, the report concludes that the boundary hedgerows provide suitable dormouse habitat. Safe working methods (included in the CEMP) to avoid harming dormouse are recommended by Turnstone Ecology during the removal of the 10m section of southern hedgerow and hay bales, involving a hand search by a licensed ecologist prior to removal, use of hand tools and removal under a watching brief during a time when dormouse are generally active (March to November). The PEA report also concludes that the additional planting of trees and hedgerows as part of the development could increase future habitat and connectivity for dormouse.</p> <p>In case any Dormice are hibernating I suggest</p>
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		<p>that the stumps and root boles of the 10m section of hedgerow are only removed between May and September inclusive.</p> <p>No ponds have been identified within 500m of the site by Turnstone Ecology, and the PEA report concludes that great crested newt is unlikely to be affected by the proposals.</p>
	UK Species	<p>Previous surveys at the site (Wildwood, 2012) identified nesting birds as potential constraints to development and historical records of slow worm, grass snake and common lizard within 1km of the site.</p> <p>The Turnstone Ecology PEA report identified suitable habitat for Badgers at the site, particularly within the hedge bases and grassland, but no badger setts were identified. Good nesting habitat for a range of bird species was also recorded on site and the boundary hedgerows and hay bales provide foraging, hibernating and dispersal habitat for reptiles.</p> <p>The PEA report also states that suitable habitat for white-clawed crayfish is present along the River Mule to the north-east of the site boundary; the nearest records of this species are from 6km away. The report concludes that adoption and adherence to pollution control and drainage methods (included within the CEMP) would ensure no significant effect to this species.</p> <p>The PEA report states that mitigation measures should be provided during construction to ensure that foraging badgers do not become trapped in excavations and these are included in the CEMP, along with proposals for pre-construction and construction surveys.</p> <p>The PEA report (and CEMP) also states that works affecting bird nesting habitat should be undertaken outside of the bird nesting season (March – August inclusive). Where this is not possible a pre-construction check for active nests would be required by an experienced ecologist and any breeding efforts allowed to finish before works can commence. Safe working methods to avoid harming reptiles are proposed in Section 4.4.9 of the PEA report and</p>

		<p>Section 3.3.7 of the CEMP.</p> <p>Enhancements for nesting birds are proposed via the additional tree and vegetation planting at the site. The PEA report also proposes that a mix of open-fronted and hole nest boxes are provided on mature trees around the north-eastern edge of the site and nesting opportunities for house sparrow and house martin incorporated within the new buildings. The Lingard Styles Landscape Plan (January 2017) includes for the provision of 2no. each of hole and open-fronted bird boxes on mature trees within the site.</p>
	Section 7 Species & Habitat	<p>Section 2.5 of the Turnstone Ecology PEA report refers to the NERC Act, which has been superseded by the Environment (Wales) Act 2016. The PEA report identifies that hedgerows are present along the southern, western and north-western boundaries of the site, which are reported as being dense and mature. The River Mule is also identified as running close to the site at the north-east end.</p> <p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>☒ Hedgerows and rivers/streams are Section 7 Priority Habitats. The River Mule will not be directly affected as it is outside of the application site. However, the PEA report states that strict pollution and drainage control measures will be required to prevent adverse impacts on the hydrology and ecology of the river. Appropriate methods are outlined in Section 4.3.2 of the report and Section 3.2.3 of the CEMP that have been submitted with the application.</p> <p>It is understood that the majority of the hedgerows (except for a 10m section of the southern hedgerow) and trees will be unaffected by the proposals. To negate for the loss of 10m of hedgerow, the PEA report proposes additional hedgerow planting along</p>

		<p>the northern boundary, which would also contribute to improving habitat connectivity. Native, broadleaved species similar to those already present in the boundary hedgerows at the site are proposed, along with planting of native, broadleaved deciduous trees within the site (Lingard Styles Landscape Plan, January 2017); this is welcomed, as is the proposal for biodiversity enhancement provided by a ‘beetle bank’ and native meadow to be managed for wildlife east of the place of worship.</p> <p>Any hedgerow to be removed should normally be translocated within the development site to retain Section 7 habitat at the site. However, in this case I have suggested that the stumps and root boles of the hedgerow are only removed during May – September in order to avoid harming any hibernating Dormice that may be present. It is generally not recommended to undertake hedgerow translocation at this time of year.</p> <p>The PEA report states that an appropriate buffer zone to protect the root systems of hedgerows and trees, in accordance with BS5837:2012 is required. The tree and hedgerow protection plan has been included in Appendix 1 of the CEMP.</p>
	LBAP Species & Habitat	<p>See observations above.</p>
Protected Sites	International Sites ²	<p>The Montgomery Canal SAC is located approximately 500m north-west of the site. The Turnstone Ecology PEA report concludes that the site would be unaffected due to its distance from the application site and nature of the proposals.</p>
	National Sites ³	<p>The Montgomery Canal SSSI is located approximately 500m north-west of the site. The Hollybush Pastures SSSI is located approximately 1.3km north-west of the site. The Turnstone Ecology PEA report concludes that the sites would be unaffected due to their distance from the application site and nature of the proposals.</p>

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

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

	Local Sites (within 500m)	None within the search area.
Invasive Non-Native Species	Yes	An area of Japanese Knotweed was identified at the eastern end of the site in 2012 by Wildwood. This is now understood to be outside of the current application site boundary, but the PEA report states that if the area is to be disturbed by the proposals, strict control measures will be required to prevent its spread. The CEMP includes a biosecurity risk assessment and control measures to prevent the spread of this Schedule 9 species.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		<p>Since the housing allocation area consists of 0.4ha the total development appears to include more than one hectare (2.1ha) of urban development that is not a dwelling house development. Therefore, I recommend that PCC provide a screening opinion on whether this development requires EIA or not.</p> <p>The PEA report proposes mitigation for bats in the form of directing lighting away from hedgerows, trees and any new roosting provisions. A minimum of one bat box or tube on each building is also recommended as bat habitat enhancement. The Lingard Styles Landscape Plan (January 2017) includes the provision of 2no. bat boxes on mature trees at the site.</p> <p>The PEA report concludes that adoption and adherence to pollution control and drainage methods (included within the CEMP) would ensure no significant effect to the River Mule, otters or white-clawed crayfish. The CEMP also proposes that any works within 10m of the River Mule would require a survey for otters and water voles in advance.</p> <p>Safe working methods (included in the CEMP) to avoid harming dormouse are recommended by Turnstone Ecology during the removal of the 10m section of southern hedgerow and hay bales, involving a hand search by a licensed ecologist prior to removal, use of hand tools and removal under a watching brief during March to November.</p> <p>In case any Dormice are hibernating I suggest that the stumps and root boles of the 10m section of hedgerow are only removed between May and September inclusive.</p> <p>The PEA report states that mitigation measures should be</p>

	<p>provided during construction to ensure that foraging badgers do not become trapped in excavations and these are included in the CEMP, along with proposals for pre-construction and construction surveys.</p> <p>The PEA report (and CEMP) also states that works affecting bird nesting habitat should be undertaken outside of the bird nesting season (March – August inclusive). Where this is not possible a pre-construction check for active nests would be required by an experienced ecologist and any breeding efforts allowed to finish before works can commence. Safe working methods to avoid harming reptiles are proposed in Section 4.4.9 of the PEA report and Section 3.3.7 of the CEMP.</p> <p>The PEA report proposes that a mix of open-fronted and hole nest boxes are provided on mature trees around the north-eastern edge of the site and nesting opportunities for house sparrow and house martin incorporated within the new buildings. The Lingard Styles Landscape Plan (January 2017) includes for the provision of 2no. each of hole and open-fronted bird boxes on mature trees within the site.</p> <p>To negate for the loss of 10m of hedgerow, the PEA report proposes additional hedgerow planting along the northern boundary. Native, broadleaved species similar to those already present in the boundary hedgerows at the site are proposed, along with planting of native, broadleaved deciduous trees within the site (Lingard Styles Landscape Plan, January 2017); this is welcomed, as is the proposal for biodiversity enhancement provided by a ‘beetle bank’ and native meadow to be managed for wildlife east of the place of worship.</p> <p>The PEA report states that an appropriate buffer zone to protect the root systems of hedgerows and trees, in accordance with BS5837:2012 is required. The tree and hedgerow protection plan has been included in Appendix 1 of the CEMP.</p> <p>The CEMP includes a biosecurity risk assessment and control measures to prevent the spread of Japanese Knotweed.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The mitigation regarding hedgerows, watercourses, badgers, otters and white-clawed crayfish in Sections 4.3</i></p>

and 4.4 of the Ecological Report by Turnstone Ecology dated October 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

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

The recommendations regarding hedgerows, trees, bats, dormice, birds and reptiles identified in Sections 4.3 and 4.4 of the Ecological Report by Turnstone Ecology dated October 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

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

The Landscaping Scheme specifications and aftercare measures identified in the Landscape Plan shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

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

The Construction Environmental Management Plan (Turnstone Ecology, January 2017) submitted with the planning application shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted

for written LPA approval.

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

The Tree and Hedgerow Protection Plan (Lingard Styles, 2016) in accordance with BS:5837:2012 submitted with the application shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

	<p>work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any dormice. • 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. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a 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.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 5: Nationally Important Sites ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>N/A</p>

PCC - Outdoor Leisure and Recreation

Outdoor Recreation Services would ask for a Section 106 contribution. Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the local community council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Service's usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.

All private housing up to three bedrooms is £ 1000.00 per property.

All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

If you have any further questions please do not hesitate to contact me.

NRW

Thank you for referring the above consultation received by us on 10th February 2017. We previously gave the applicant pre-app advice on this case CAS-27315-K4K2 and we advised that when consulted by the LPA on the planning application that we would be likely to recommend that conditions are attached to any permission.

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

Condition1: The finished floor levels for the two bungalows (Units A and B) which are closest to the River Mule must be at least 500mm above adjacent ground level.

Condition2: the submission and implementation of a Construction Environmental Management Plan (CEMP) to include:

- i. Reasonable Avoidance Measures for European protected species
- ii. Tree / hedgerows root protection plan (RPP)
- iii. Biosecurity risk assessment

Flood Risk

The proposed mixed use development abuts an area predicted/likely to flood from the adjacent River Mule, designated as ordinary watercourse.

With reference to historic application P/2012/0971 (Our ref SE/2012/115752) which we related to a proposed Gospel Hall and associated infrastructure, only, we had no objections on fluvial flood risk grounds.

The current application adds four dwellings to the proposals but is still within DAM A which is on an elevated platform between the dismantled railway and the B4368. An FCA Report 20316 dated December 2016, compiled by David Floyd supports the current application.

The Stage 2 Strategic Flood Consequences Assessment (SFCA) considered a nearby site in detail. Halcrow produced detailed hazard and flood extent maps for this reach of the River Mule as part of Powys County Council strategic site assessment.

The site specific Flood Consequence Assessment (FCA) relating to this application has not made any reference to the SFCA Stage 2 outputs, which is an unfortunate omission as it could have taken advantage of the detailed findings. However, whilst the hydrology and survey data may require updating, the SFCA outputs are still considered best information available and form the basis of the current flood map extent. For detail, we recommend that the SFCA outputs are sourced via our Data Distribution team at datadistribution@cyfoethnaturiolcymru.gov.uk.

This will add clarity to the perceived 0.1% flood extents, which we acknowledge are below the building platform.

On this basis, as the proposed built development is within DAM A, we have no objections on fluvial flood risk grounds.

However, the FCA proposes that the finished floor levels for the two bungalows (Units A and B) which are closest to the River Mule will be at least 500mm above adjacent ground level. This recommendation is endorsed and should be included as a condition within any planning permission. This will add further flood risk sustainability in the event of an extreme event beyond the theoretical predictions.

Condition1: The finished floor levels for the two bungalows (Units A and B) which are closest to the River Mule must be at least 500mm above adjacent ground level.

With regards to surface water control requirements and proposals, we refer the Planning Authority to the Lead Local Flood Authority for further comment and agreement, namely Powys County Council Drainage team, as they are the responsible body for surface water matters and the River Mule, designated as ordinary watercourse.

European Protected Species

We have looked at the proposal and read Turnstone preliminary ecological assessment. The report is satisfactory and we concur with the conclusions and recommendations made within section 4.3.2 (Mitigations) and request that they are secured through a planning condition.

We advise that any permission should include a condition for the submission and implementation of a Construction Environmental Management Plan (CEMP) to include:

- i) Reasonable Avoidance Measure (RAMs) for otter, badger, bats and dormice as well as any other species likely to be affected by the proposal. RAMs for dormice must address the removal of hay bales from site as these provide potential nesting areas for this species. Although most of the trees did not show obvious signs of bat roosting potential, a contingency plan should be in place during the felling of trees along the railway line to deal with any bat roosts that may be accidentally encountered, this should be included within the CEMP. No flood lighting of field boundary during construction phase, limit works to daylight as much as possible. All the other recommendations within the ecological report to be included in the CEMP.
- ii) Tree / hedgerows root protection plan (RPP)
- iii) Biosecurity risk assessment to include

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

Foul Drainage

From the Drainage Strategy section 2.0 we note that the intention is to connect the development to the main sewer.

When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

We note from the Design and Access Statement section 3.10 that it is intended Sustainable Urban Drainage Systems (SUDS) will be the basis of the surface water drainage. This should be incorporated into the design with the planning application.

Land Contamination

Based on the information presented to date, Natural Resources Wales considers that the controlled waters at this site are not of highest environmental sensitivity; therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

We note from the plans that a railway line previously passed through/close to the site. However, a preliminary risk assessment has not been submitted and so we have no understanding as to whether contamination exists at this site or not. In line with the advice given in Planning Policy Wales, we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. We recommend the Authority refers to its own environmental advisors.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

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

Representations

The application was advertised through the erection of a site notice and press advertisement. Three individuals have commented objecting to the proposed development and those comments are summarised below;

- Concerns raised over traffic and noise from the hall.
- No public transport in Abermule and people will have to use their car.
- The development is not suitable for Abermule and has already been rejected by the Planning Inspectorate.
- Hours of use should be restricted

Ten individuals have commented supporting the proposed development and are summarised below;

- Church is designed well and would have little visual impact
- Provision of a pavement will be beneficial to safety and will aid people walking from Court Close to school
- Improves safety for residents
- Places of worship are important to a community

Planning History

P/2012/0971 - Erection of a Gospel Hall (Place of Worship), construction of new access roads and footways, car parking and service area and associated works. Refused. Appeal dismissed.

Principal Planning Constraints

Flood Zone
Class 3 Road
B4368

Principal Planning Policies

National planning policy
Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1: Joint Housing Land Availability Studies (2015)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)

Local planning policies
UDP GP1 Development Control
UDP GP4 Highways and Transportation
UDP ENV2 Safeguarding the Landscape
UDP ENV3 Safeguarding Biodiversity and Natural Habitats

UDP ENV 4 Internationally Important Sites
UDP DC1 Access by Disabled Persons
UDP DC3 External Lighting
UDP DC12 Overhead lines and pipelines
UDP DC13 Surface Water Drainage
UDP DC15 Development on Unstable or Contaminated Land
UDP SP1 Social, Community and Cultural Sustainability
UDP SP2 Strategic Settlement Hierarchy
UDP SP9 Local Community Services and Facilities
UDP SP14 Development in Flood Risk Areas
UDP CS1 Land Safeguarded for Community Facilities
UDP HP3: Housing Land Availability
UDP HP4: Settlement Development Boundaries and Capacities
UDP HP5: Residential Developments
UDP TR2: Tourist Attractions and Development Areas
UDP ENV7: Protected Species

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

Officer Appraisal

Introduction:

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

The application seeks full planning permission for the construction of four detached dwellings and a place of worship.

The church will measure approximately 28 metres in width, 30 metres in depth with a maximum height of 6 metres falling to 2.5 metres at the eaves. The church will be finished with brickwork and timber clad walls, and a slate roof. The submitted floor plans show that the building would contain a church area, store, foyer, control room, a male and female WC and baby changing facilities.

The proposed dwellings will be made up of two two storey four bedroom dwellings measuring 9.5 metres in width, 10.5 metres in depth with a maximum height of 8.3 metres falling to 5.3 metres at the eaves. The dwellings will be finished in stone and rendered walls, slate roof and timber windows and doors. The two storey dwellings will be located to north of the site furthest away from the adjoining highway.

The remaining two dwellings will be two single storey three bedroom dwellings measuring 11 metres in width, 10.7 metres in depth, with a maximum height of 5.4 metres falling to 2.1 metres at the eaves. The dwellings will be finished with stone walls, slate roof and timber windows and doors. These dwellings will be located to the south of the site closest to the adjoining highway.

Principle of Development

Abermule is defined as a key settlement within the Powys Unitary Development Plan. The UDP states the following regarding key settlements;

‘Key settlements include some smaller towns as well as the larger villages. They do not have as wide a range of services and facilities as the Area Centres, but normally provide an important service function to surrounding smaller settlements and rural residents. Key settlements will continue to provide a range of services and a number of housing and employment development opportunities, in keeping with their existing strategic role and character.’

UDP Policy SP9 seeks to support development that encourage, sustain and facilitate the provision of local community facilities in the County, in accordance with the Council’s strategic settlement strategy. The strategic settlement strategy states that development should be undertaken within the Area Centres, being one level above in the hierarchy than Abermule. Policy CS1 states that the development of new community facilities and services in appropriate locations that are accessible by a choice of transport means will be permitted.

An application was previously refused at this site for a church for being contrary to policies SP9 and CS1. It was determined that the scale of development along with its location meant that the development was unsustainable. The current proposal is for a much reduced scheme with a smaller church, the refused application began for a regional church, to meet the needs of the Abermule and Rural Hinterland church community. Information has been provided as part of the application to demonstrate that the proposal is for a church to meet local needs, stating that all other churches in the area will remain open and a new Shrewsbury Gospel Hall is currently being built.

The current development is accessible to those living in Abermule via pedestrian links which will be improved as part of the development, cycle links are provided by way of a cycle path linking Newtown and Abermule and a bus service is provided 6 times a day providing links to the wider area if necessary.

In light of the above, whilst the development would not be located in an Area Centre it is considered that the development, adjoining a key settlement is in accordance with policies SP9 and CS1 of the Powys Unitary Development Plan.

With regard to the proposed four dwellings, the site lies within the settlement development limits of Abermule and lies on land allocated for housing. The development proposed four dwellings on the site, which is a density of 15 dwellings per hectare, whilst this is below the guide of 25 dwellings per hectare outlined within the UDP, consideration has been given to the density of developments in the surrounding area, which is 12.5 dph. As such, in order for the development to be in keeping with the scale and density of the area a lower density has been submitted and is considered to be acceptable. As such, the principle of development is in accordance with UDP policies HP4 and HP5.

Highways

Policy GP4 of the UDP requires that all developments provide adequate highway access, visibility, turning, passing, dropped kerbs and circulation space.

The application is supported by a number of plans detailing the highway network, new access, parking layout and the provision of a new footpath. Following consultation with the Powys Highways Authority no objection has been received subject to a number of conditions being attached to any consent.

The concerns have been raised in third party comments regarding the safety of the proposed development are noted; however Officers consider that the proposed development offers highway safety benefits for the wider community. As no objections have been received from the Highways Authority, the application is considered to be in accordance with policy GP4 of the UDP.

Noise

Policy GP1 of the UDP requires development not to have a detrimental impact on the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise, light, dust or odour.

Comments have been made by objectors in relation to the noise from the development, however following consultation with Environmental Health no objection has been received in relation to the impact of the proposed development on the amenity of neighbouring residents. The Environmental Health Officer has requested a condition to restrict the house of construction work so as not to affect neighbouring residents.

In light of the above, the application is considered to be in accordance with policy GP1.

Landscape and Visual Impact

Policy GP1 requires that the design, layout, size, scale, mass and materials complement and where possible enhance the character of the surrounding area.

The church will be finished with brickwork and timber clad walls, and a slate roof. The submitted floor plans show that the building would contain a church area, store, foyer, control room, a male and female WC and baby changing facilities. The church benefits from a low profile and as the existing hedgerow along the adjacent highway will be retained will be screened from the surrounding area.

The proposed dwellings adjacent to the road are single storey, echoing the types of dwellings in the housing estate opposite the site. Two storey dwellings are provided to the rear of the site and all dwellings will be finished in stone and rendered walls, with slate roof and timber windows and doors. The church will also be finished in stone and slate to be in keeping with the proposed dwellings.

Whilst the nearest housing estate is finished in red brick with tiles roofs, it is considered that the materials proposed are traditional in nature and appear in other developments in the area. As such, the use of these materials is considered to be acceptable.

It is therefore considered that the proposed development, in terms of its design, of an acceptable scale and design and uses appropriate material for the area. The proposed church, due to its low profile, existing screening and use of materials is not considered to have a detrimental impact on the character and appearance of the area. The proposed dwellings have a density in line with surrounding estates and their scale and use of materials is not considered to have a detrimental impact on the character and appearance of the area. As such it is considered to be in accordance with policy GP1 and ENV 2 of the UDP.

Biodiversity

Policy ENV3 requires that wherever possible the interest of nature conservation and the amenity value of habitats will be protected against adverse forms of development. Policy ENV4 requires that development does not significantly affect the achievement of conservation objectives of internationally important sites.

The site lies approximately 500 metres from the Montgomery Canal SAC and following the submission of documents, including a CEMP, the Powys Ecologist confirmed that due to the distance maintained the development would not have an impact on the SAC.

A Preliminary Ecological Assessment (PEA) of the site has been completed and the report by Turnstone Ecology (dated October 2016) has been submitted with the application. A Construction Environmental Management Plan (CEMP) incorporating the mitigation and recommendations made in the PEA has also been completed by Turnstone Ecology (January 2017) and has been submitted with the application.

Following consultation with both the Powys Ecologist and Natural Resources Wales no objection has been received subject to the inclusion of condition relating to mitigation being secured, landscaping and lighting being attached to any consent. As such, the application is considered to be in accordance with policy ENV3 and ENV4 of the Powys UDP.

Flood Risk

Whilst the development site does not lie within a flood zone it does abut an area predicted to flood from the River Mule and Natural Resources Wales were consulted on the development.

Following review of the Strategic Flood Consequences Assessment and the site specific Flood Consequences Assessment Natural Resources Wales Concluded that the recommendations within the FCA of the finished floor levels be raised by at least 500mm were acceptable and endorsed the recommendation within the FCA.

As such in light of NRW's comments and subject to a condition regarding finished floor levels, the development is considered to be in accordance with policy SP14 and TAN15.

Contaminated Land

Part of the site is identified as potentially contaminated due to the presence of the old railway line. The Powys Contaminated Land Officer was consulted on the application and has recommended a number of conditions which will be attached to any grant of consent.

As such, the application is considered to be in accordance with policy DC15 of the Powys UDP.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

In light of the above, the application is considered to be in accordance with planning policy and is therefore recommended for approval subject to the following conditions (affordable housing condition to follow within update report).

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXX (drawing no's: QO26.1.3.100, QO26.1.3.103, QO26.1.3.104, QO26.1.3.105, QO26.1.3.106, QO26.1.3.107, QO26.1.3.115, QO26.1.3.116, QO26.1.3.117, QO26.1.3.118, QO26.1.3.123, QO26.1.3.125 and Preliminary Ecological Assessment (October 2016), construction Environmental Management Plan (January 2017), Flood Consequences Assessment (December 2016), Drainage Strategy (November 2016), Tree Report, Design and Access Statement (January 2017) and Planning Statement (January 2017)).
3. Prior to any works commencing on the development site detailed engineering drawings for all Highway Improvements as detailed on drawing numbers SK02 Rev A, SK03 Rev B, SK04 Rev C, SK05 Rev B, shall be submitted to and approved in writing by the Local Planning Authority. The Highway Improvements referred to shall include details of the access road within the site, new footway, forward visibility improvement, relocation of speed limit (the cost of which shall be met by the applicant), submission and approval of a Stage 1 / 2 Road Safety Audit and carriageway alterations on the B4368.
4. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. No other works shall commence on site 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 0.26 metres above ground level at the edge of the adjoining carriageway and 96 metres distant in an Easterly direction and 60 metres in a Westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the

visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

9. Prior to the first beneficial use of the development, the off street parking bays and circulation areas as detailed on the approved drawing[s] shall be fully completed to the written satisfaction of the Local Planning Authority. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

10. Before any other development commences on site 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.

11. Upon formation of the visibility splays as detailed in 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

13. Prior to the completion of the Highway Improvements, any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

14. The gradient of the access road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

15. No other development shall commence on the agricultural access 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 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

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

18. Before any other development commences any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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

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

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

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

21. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

22. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

23. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

25. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

26. The mitigation regarding hedgerows, watercourses, badgers, otters and white-clawed crayfish in Sections 4.3 and 4.4 of the Ecological Report by Turnstone Ecology dated October 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

27. The recommendations regarding hedgerows, trees, bats, dormice, birds and reptiles identified in Sections 4.3 and 4.4 of the Ecological Report by Turnstone Ecology dated October 2016 shall be adhered to and implemented in full.

28. The Landscaping Scheme specifications and aftercare measures identified in the Landscape Plan shall be adhered to and implemented in full.

29. The Construction Environmental Management Plan (Turnstone Ecology, January 2017) submitted with the planning application shall be implemented as approved and maintained thereafter.

30. Prior to the commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

31. The Tree and Hedgerow Protection Plan (Lingard Styles, 2016) in accordance with BS:5837:2012 submitted with the application shall be implemented as approved and maintained thereafter.

32. The finished floor levels for the two bungalows (Units A and B) which are closest to the River Mule must be at least 500mm above adjacent ground level.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interest of highway safety in accordance with Policy GP4 and TAN 18.
4. In the interest of highway safety in accordance with Policy GP4 and TAN 18.
5. In the interest of highway safety in accordance with Policy GP4 and TAN 18.
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17. In the interest of highway safety in accordance with Policy GP4 and TAN 18.

18. In the interest of highway safety in accordance with Policy GP4 and TAN 18.
19. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution
20. In order to protect the amenity of residents during construction in line with policy GP1.
21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DC15 of the Unitary Development Plan 2010.
22. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DC15 of the Unitary Development Plan 2010.
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26. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016
27. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016
28. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
29. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
30. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

32.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Dormice - 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 dormice.
- 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 2010 (as amended) that works to trees or buildings 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.

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