

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0985	Grid Ref:	322356.84 312184.76
Community Council:	Guilfield	Valid Date:	Officer: 26/09/2016 Kevin Straw
Applicant:	Mr C Wright, Gwreiddyn Lane, Sarn Meadow, Guilfield, Welshpool, Powys, SY21 9DN.		
Location:	Sarn Meadow, Gwreiddyn Lane, Guilfield, Welshpool, Powys, SY21 9DN.		
Proposal:	Outline application for 5 residential dwellings, improvement to existing vehicular access and formation of a pavement.		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application requires a committee determination as it is recommended for approval and is a departure from the development plan.

Site Location and Description

The application site is located within the community council area of Guilfield. The site is approximately 0.4Ha in size and is located to the north of Guilfield, approximately 80 metres outside of the current development boundary as indicated on the Powys UDP Inset Map M138.

The site itself is currently defined as domestic garden/agricultural land, consisting of grassland, a hardstanding parking area and a garden pond. The land is currently occupied by a single dwelling known as Sarn Meadow and is accessed by a local county road known as Gwreiddyn Lane, to the east of the site.

Consent is sought in outline with all matters reserved except for access, for the development of 5 new dwellings.

Consultee Response

Guilfield Community Council

The Council resolved not to support this application due to the following:

- 1) It is outside the LDP
- 2) It would be an eyesore to the area
- 3) The previous application for this address has been rejected
- 4) There is severe flooding at the bottom of the lane if heavy rain

5) There is severe flooding on the land if heavy rain

PCC Highways

Comments received on 24/10/2016

Having viewed the site and the proposals that have been put forward the Highway Authority wish to make the following comments:-

As no speed recordings have been provided as part of the application the approaching speeds on the B4392 are unknown. It is noted from a site inspection that the forward visibility for a right turning vehicle from the B4392/C2104 is restricted due to the alignment of the highway. As it stands I would have concerns about the risk of rear end shunts. In addition, the visibility when egressing the C2104 towards Guilsfield is restricted due to vegetation but this appears to be within highway verge or the applicants land so improvements could be made to that restriction.

I note the intention to widen Gwreiddyn Lane to 4.8 metres wide and the a new footway 1.0 metres wide from the existing footpath up to the new access. Whilst I welcome such improvements the carriageway should be widen to at least 5.0 metres in order to cater for the Agricultural traffic that uses the lane and the footpath to 1.5 metres from where a new access was put in for another development.

In its present format the HA is unable to support the application and recommend REFUSAL in the interests of highway safety.

Additional comments received on 20/12/2016

Thanks for the revised plan received in connection with the above planning application.

The Highway Authority wishes to with draw their previous objection considering the amendments that have been received and wish to recommend the following conditions:-

Prior to any works commencing on site detailed engineering drawings for the road widening of the C2104 and the ancillary footway works shall be submitted to and approved in writing by the LPA”

Prior to any works commencing on site the road widening of the C2104 shall be fully completed to the written satisfaction of the LPA.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 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 45 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. 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 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom (maximum of 3) 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.0 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC17 Prior to the occupation of any dwelling a 1.5 metre wide footpath shall be provided from the access to the development up to the private driveway for the property called Trawscoed Lodge and shall be retained at for as long as the development hereby permitted remains in existence.

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

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

Reasons for Recommendations

RR1 In the interests of highway safety.

RR2 To ensure that adequate provision is made for highway access onto the County Class C2104 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

PCC Building Control

Building Regulations application required.

Severn Trent Water

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

PCC Environmental Health

Comments received on 04/10/2016

Having looked at the application I note that it doesn't clearly state how the foul effluent will be disposed, either mains or private treatment plant and discharge to watercourse. Given how close it is to the sewage works (175m) I would suggest that a mains connection be made.

I have spoken to the agent and he has told me that he will confirm the method of disposal.

Until I have further information I cannot comment on this application.

PCC Ecology

Comments received on 24/10/2016

Thank you for consulting me with regards to planning application P/2016/0985 which concerns the outline application for 5 residential dwellings, improvement to existing vehicular access and formation of a pavement.

I have reviewed the proposed plans and photos of the building, areas affected by the works as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 227 records of protected and priority species within 500m of the proposed development – no records were for the site itself. It is important to note that great crested newts have been reported to the north and south of the property.

The proposed extension and associated works are within 500m of the Granllyn SSSI and SAC and Gwreiddyn Lane Roadside Nature Reserve. Having reviewed the location and the

nature of the development in relation to this designated site it is considered unlikely that the development would result in negative impacts to the designated site.

From aerial photos it appears the site is located on amenity/semi improved grassland. This is not considered to be of ecological importance. It also appears from aerial photos there is a pond on the property. The Granllyn area is known to have a large population of great crested newts.

No ecological information has been submitted with the application and having reviewed aerial photos of areas associated with the proposed development it is considered that the site may offer suitable habitat. Therefore, it is considered that there is insufficient information with regards to potential impacts to great crested newts, to determine this application.

Therefore, in order to assess the potential impacts to great crested newts, as a minimum a preliminary assessment of the site for its potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed great crested newt consultant. If this preliminary great crested newt assessment identifies potential opportunities and/or actual great crested newts that will be affected by the proposals then further great crested newt survey work will be required. If great crested newts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to great crested newts.

The preliminary great crested newt assessment shall include a full inspection of the site and an assessment of how the proposed development works may affect any potential or actual great crested newts, as well as incorporating opportunities for great crested newts within the completed development. The preliminary great crested newt inspection must be undertaken by an appropriately experienced and licensed ecologist.

Additional comments received on 05/06/2017

Thank you for consulting me with regards to planning application P/2017/0985 which concerns an outline application for 5 residential dwellings, improvement to existing vehicular access and formation of a pavement at Sarn Meadow, Gwreiddyn Lane, Guilsfield, Welshpool, SY21 9DN.

Following a consultation response provided by NRW dated 23rd May 2017 a great crested newt survey has been undertaken to enable the LPA to assess the potential for the proposed development to impact great crested newts, in addition this information was required to determine whether the proposed development would be likely to have a significant negative impact to the population of great crested newts at the Granllyn SAC/SSSI.

A Great Crested Newt Survey Report produced by Gerald Longley Ecological Consultants Ltd dated April 2017 has been submitted to provide the required information to assess likely impacts of the proposed development to European protected species.

The proposed development involves the change of use from garden to housing land as well as alterations to the access which includes removal and relocation of sections of hedgerow. 3 ponds were identified within 250m of the proposed development, these were surveyed following national survey guideline methodologies to determine the presence or absence of great crested newts.

The HSI assessment of the ponds identified that the pond within the site was of Poor habitat suitability for great crested newts, the other 2 ponds within 250m were identified as Good habitat suitability for great crested newts. Four survey visits were undertaken to the 3 ponds and standard survey methods were used including torching and trapping.

No great crested newts were found within any of the 3 ponds surveyed – palmate and smooth newt were recorded in the ponds outside the proposed development site.

The report recommends that given the absence of great crested newts in the 3 ponds within 250m the proposed development would be unlikely to negatively impact great crested newts either at the site or in the wider area. No specific mitigation measures are considered necessary with regards to great crested newts and the proposed development.

The Indicative Site Plan as Proposed drawing no. RPP/GD-JOB6-03 Rev A dated July 2016 indicates that in order to accommodate the proposed access improvements and associated footpath infrastructure there will be a requirement to translocate sections of the existing hedgerow at the site. It is recommended that a Hedgerow Translocation Method Statement is secured through an appropriately worded condition.

It is also noted that drawing no. RPP/GD-JOB6-03 Rev A dated July 2016 indicates that new landscape planting will be provided through the proposed development, it is recommended that the details of any landscaping scheme including proposed species mixes, planting details and aftercare schedules are secured through an appropriately worded condition.

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

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

Prior to the commencement of development a detailed method statement for the translocation of the hedgerow which bounds the site along Gwreiddyn Lane shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and all translocation works shall take place in accordance with the approved details.

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 Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.

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.

Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration 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, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend the inclusion of the following informatives:

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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.

NRW

Comments received 03/11/2016

Thank you for your consultation received on 2nd October 2016. We previously advised on the flood risk aspects of this proposal at pre-application stage 22nd June 2016 CAS-19981-C4H7.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Summary of Requirements and Conditions

Requirement 1: Prior to commencement of works, a preliminary ecological assessment is required. If it is confirmed that the site may offer potential for Great Crested Newt, further survey work will be required – to be addressed by incorporation of a suitably worded condition

Requirement 2: Flood protection measures should be incorporated to protect the site from any residual flood risk – to be addressed by inclusion of Condition 1 below

Requirement 3: Clarification required regarding management of surface water – to be addressed by incorporation of Condition 2 below.

Requirement 4: A pollution prevention plan should be prepared and agreed prior to commencement of works – to be addressed by inclusion of a suitably worded condition

Condition 1: Finished floor levels of the proposed dwellings should be set 300mm above the corresponding 1% plus climate change flood level or 300mm above adjacent ground level, whichever is the greater.

Condition 2: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Local Planning authority. Surface water generated from the site shall be limited to the equivalent greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the LPA, in consultation with Natural Resources Wales.

European Protected Species - Great Crested Newts (GCN)

Requirement 1: Prior to commencement of works, a preliminary ecological assessment is required. If it is confirmed that the site may offer potential for Great Crested Newt, further survey work will be required – to be addressed by incorporation of a suitably worded condition

From aerial photography it appears that there is a pond in Sarn Meadow and the site may provide suitable habitat for great crested newts. Great crested newts are a feature of the Granllyn SAC which is located 360 metres away. No ecological reports have been submitted with the planning application and we consider that there is currently insufficient information to assess the impact on great crested newts.

The applicant will need to submit a method statement to confirm that impacts on GCN can be mitigated. The method statement and mitigation will need to consider;

- i. The plans of the proposed development appear to indicate that the pond will be filled in which could have the potential to kill GCN
- ii. Vegetation clearance, earth moving and translocation of existing hedgerow during construction could have the potential to kill GCN
- iii. The area of proposed planting could potentially include pond creation as an offset for loss of garden pond.
- iv. Gulley pots within the development should be of a design to prevent entrapment and drowning of GCN.

A suitably worded condition should be included within any planning permission and we would require to be re-consulted when further ecological information is available.

Reason: to avoid impacts on great crested newts, a European protected species.

Flood Risk

Requirement 2: Flood protection measures should be incorporated to protect the site from any residual flood risk – to be addressed by inclusion of Condition 1

The application site currently lies within Zone C2 of the development advice maps associated with TAN15. Section 6 of TAN15 (Para. 6.2, i, ii and iii) sets out the tests that should be considered by a Local Planning Authority (LPA) in order to justify the location of development within a flood risk area, whilst maintaining that highly vulnerable development, such as residential, in Zone C2, should not be permitted.

Natural Resources Wales' (NRW) role is to assess such submissions in accordance with Para. 6.2, iv and the acceptability criteria within TAN15.A1.14.

Following receipt of the applicant's FCA (Report 20134 dated June 2016 by David Floyd) in support of a proposed outline planning application for the construction of 5 new residential dwellings, we confirm that the FCA and accompanying hydraulic modelling work have demonstrated that the probability of flood risk posed to the site is low and nominal consequences are manageable in line with TAN15 requirements.

- NRW Consideration of the FCA

Following discussions relating to flood risk constraints at the site, hydraulic modelling of Twll Brook, culminating in a fully-linked 1D-2D hydrodynamic model, was undertaken by Hydro-Logic Services (HLS).

Modelling has confirmed that design floods up to and including Q100+CC remain in-bank and there is no spill across the plot.

For the Q1000 (0.1%) baseline event there is negligible overbank spill resulting in a maximum flooding depth of only 10 mm in the south-west corner of the proposed development site. For worst-case sensitivity scenarios overbank flooding is more widespread but maximum flooding depth within the site does not exceed 100 mm.

The updated FCA and flood map challenge work has defined the perceived flood risk. The probability of flooding is low with impacts low. The submitted block plan indicates that no built development will be in the 0.1% extent but the redline boundary is.

Proposed mitigation in terms of slightly elevating the building platform to form a level ground will probably take the site completely out of flood zone, as described in the pre-app letter but in the absence of any proposed groundworks taking place, we consider inclusion of Condition 1 within any planning approval to be suitable mitigation.

Powysland Internal Drainage District

Requirement 3: Clarification required regarding management of surface water – to be addressed by incorporation of Condition 2

There appears to be a discrepancy in the documentation as the planning application dated 13/9/16 details in section 13 that the surface water will be disposed of to a pond/lake, however the Planning Statement dated September 16 states in section 4.6 that the surface water will be dealt with by SUDS or a soakaway system.

Twll Brook and Guilsfield Brook are within Powysland Internal Drainage District (IDD). Any potentially increased flow or volume into either of these brooks due to increased runoff from the site will need to be calculated and SUDS proposed so this is mitigated.

The applicant should also be advised that any discharge via headwall to Twll Brook may require approval from the Powysland IDD. James West the Powysland IDD Technical Advisor Tel: 03000 655295 James.West@cyfoethnaturiolcymru.gov.uk should be contacted for further information on this aspect.

Any discharge outfall to the brooks will need to be detailed and submitted to NRW in order to obtain Land Drainage Consent. In addition to the requirement for such consent, if the development will increase flow or volume in either Guilsfield or Twll Brook, a Surface Water Development Contribution will also need to be paid.

Condition 2 should be included within any planning permission in order prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.

Pollution Prevention

Requirement 4: A pollution prevention plan should be prepared and agreed prior to commencement of works – to be addressed by inclusion of a suitably worded condition

A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction.

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

Pollution Prevention Guidance <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> is still applicable in Wales and PPG5 'Works in, near or over watercourses' and PPG6: 'Working at construction and demolition sites' are relevant.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the 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 site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000

Foul Drainage

The installation of private sewage treatment facilities within publicly sewered areas is not considered environmentally acceptable. We are therefore opposed to such facilities unless the developer can demonstrate that it is not reasonable to connect to the public system. From the planning application documents (an email from the agent to the planning officer dated 4th

October 2016) we understand that the sewage treatment works in Guilsfield are located 150 metres from the development site and that it would be preferable if the proposed development could connect to the mains.

The applicant should thoroughly investigate the possibility of connecting to the foul sewer by formally approaching Severn Trent Water regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991. If the sewerage undertaker refuses connection then the applicant will need to apply to NRW for an Environmental Permit for a private treatment facility. The issue of a Permit cannot be guaranteed.

Granllyn SAC

The proposed development is located approximately 360 metres from the Granllyn SAC and SSSI. This SAC/SSSI holds the largest known population of breeding great crested newts in Montgomeryshire and they are a feature of the SAC. We consider that the proposal is not likely to significantly affect the Granllyn SAC in a direct way.

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

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

Additional comments received on 23/05/2017

Bwriad/ Proposal: Outline application for 5 residential dwellings, improvement to existing vehicular access and formation of a pavement. Sarn Meadow, Gwreiddyn Lane, Guilsfield, Welshpool.

Thank you for consulting Natural Resources Wales (letter dated 16/05/2017) regarding the above. Our comments below are limited to European Protected Species issues, for other matters within NRW's remit, please refer to the comments and recommendations made in our original response letter of 03/11/2016 (CAS-24389-Q2D0).

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 in relation to EPS

Condition – GCN: No development shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt (GCN) and an

amphibian friendly water drainage scheme has been submitted to and approved in writing by the local Planning authority.

Protected Species

The application site is located within 400m of the Granllyn Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). This site supports a nationally important population of great crested newt (*Triturus cristatus*). We consider that the features and integrity of this site is not likely to be significantly affected by the implementation of the proposed scheme.

However, to safeguard GCN, we advise that any consent is subject to a condition requiring the submission and implementation of an amphibian reasonable avoidance measures scheme to the satisfaction of the LPA.

Although the Great Crested Newt Survey report dated April 2017 by Gerald Longley has established that no GCN were present on site and in water bodies within 250m of the proposal in March/April 2017, this species has previously been recorded in ponds located in the vicinity of the application site. This year in particular has not been good for breeding. The dry weather and low water levels are likely to have affected GCN movements and breeding pattern. The annual count in the main pond at Granllyn itself was in fact rather low compared to previous years.

It is therefore NRW's opinion that it is still possible that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN, therefore consideration must be given to other aspects of the development that also have the potential to impact on GCN, such as water drainage schemes and kerb layout plans.

Amphibians are likely to get trapped in gully pots during migration and this can have a significant impact on the population of the GCN at Granllyn SAC. Likewise, kerbs can impede road crossing by amphibians resulting in road deaths. Both impacts can be avoided / minimised by adopting amphibian friendly schemes.

We therefore consider that further information is required for the purposes of ensuring the appropriate construction and operation of the proposal. Information requirements include details of deterring presence of individuals at the development site and implementation of on site or off site measures to conserve the species during construction and operational phases of the proposed scheme (drainage scheme).

We consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

Condition – GCN: No development shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt (GCN) and an amphibian friendly water drainage scheme has been submitted to and approved in writing by the local Planning authority.

Cllr David Jones

This site is outside the development limit of Guilsfield. On that ground I would like to exercise my right, as local member to call this application in for decision by the Planning Committee. I presume it would go to the committee without my call in because it will fall outside policy so it is double covered.

Representations

Following display of a site notice on 07/10/2016 there have been no public representations made.

Planning History

P/2010/1447 - Erection of extensions – Withdrawn.

Principal Planning Constraints

National Floodzone 2 and 3

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)

Technical Advice Note 1 - Joint Housing Land Availability Study (2015)

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

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

Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 - Development in Flood Risk Areas (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 - Economic Development (2014)

Local Planning Policies

SP2 - Strategic Settlement Hierarchy

SP3 - Natural, Historic and Built Environment

SP4 - Economic and Employment Developments

SP5 - Housing Development

SP6 - Development and Transport

SP9 – Local Community Services and Facilities

SP14 - Development in Flood Risk Areas

GP1 - Development Control

GP2 – Planning Obligations

GP3 - Design and Energy Conservation

GP4 - Highway and Parking Requirements

ENV1 - Agricultural Land

ENV2 - Safeguarding the Landscape

ENV3 - Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP7 - Affordable Housing within Settlements
HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
CS3 – Additional Demand for Community Facilities
T2 - Traffic Management
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 - Mains Sewerage Treatment
DC13 - Surface Water Drainage
DC14 - Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

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

Powys Residential Design Guide

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

Officer Appraisal

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

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

Principle of Development

Consent is sought in outline with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form separate applications for consideration at a later date.

The application site lies wholly outside the settlement boundary of Guilsfield, as detailed on inset map M138 and would result in 5 dwellings being constructed outside the settlement boundary.

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the

Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

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

Guiltsfield is considered a large village in the UDP. Whilst large villages do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area. It is noted that the settlement of Guiltsfield is served by a church, primary school, community centre, car sales garage, shop/Post office, public houses, children's play area, bowling green, tennis courts, football pitch, and telephone box.

The application site is approximately 115 metres by road to the edge of the settlement development boundary of Guiltsfield; it is noted that as part of the proposed development a 1.5 metre wide footpath link is proposed which links the proposed site to the edge of the development boundary of Guiltsfield and connecting onto an existing footway. As such this proposed footpath link would allow for off-road pedestrian access into Guiltsfield to allow access to the full range of services available within the village. This combined with the proposed widening of Gweriddyn Lane to 5 metres is considered to assist in improving access from the site into the village.

From within Guiltsfield there are existing transport links to the Market town of Welshpool, which offers a full range of community services and facilities including a hospital, Secondary and Primary schools, Leisure Centre and Library.

In light of the above and the appreciation that this proposed site is outside of the settlement development boundary by approximately 115 metres by road, it is considered that the proposed access improvements to both Gweriddyn Lane and the pedestrian footpath access link into the village, are considered to be of benefit. Therefore, on balance it is considered that the site will be situated within a sustainable location.

Affordable housing provision

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

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

Within the information submitted by the applicant it is noted that there is the intention to supply one dwelling out of the five proposed as an affordable dwelling. This will be secured via an appropriately worded conditions attached to any grant of consent.

In light of this, the proposal is considered compliant with the principle of policy HP7.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

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

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

Although Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

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

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change.

In terms of landscaping the indicative plan layout indicates that there will be existing planting retained within the site to the south and west as well as new hedgerow planting around the exterior perimeter of the site to the north and west. The existing hedgerow to the east will in part be translocated to accommodate improvements to highway visibility from the proposed site access/egress point. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

Highway Safety

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from Gwreiddyn Lane.

Consultation with the Highway Authority did raise initial concerns and recommendation of refusal from the officer. However, amended plans have now been submitted and re-consulted upon by the highways officer. The amended plans included the widening of the C2104 (Gwreiddyn Lane) county highway and also the provision of a footpath from the development site connecting to an existing footpath at the settlement boundary for Guilsfield. Following receipt of the amended plans the officer wished to withdraw the initial recommendation of refusal and subject to a number of proposed conditions they were not in objection to the plans as proposed.

In light of the officers comments it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore subject to appropriately worded conditions fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Drainage

PCC Environmental Health and NRW were consulted with regard to drainage. The PCC officer initially noted concern as to the proposed method of foul drainage and suggested that a mains connection be the preferred option. Additional information submitted by the applicant confirmed that the connection to mains sewerage would be sought.

Comments received from NRW indicated that they consider permission should only be given subject to specific conditions. In relation to drainage the conditions they recommended covered elements of flood protection, surface water and pollution prevention. As such these proposed conditions will be attached to any decision notice issued.

In light of the above and subject to the proposed condition it is considered that the proposals fundamentally comply with Policies DC10 and DC13 of the Powys Unitary Development Plan (2010).

Biodiversity

The PCC Ecologist and NRW have provided comments with regard to the proposed development.

The Councils Ecologist noted that no ecological information has been submitted with the application and that they were aware of the proximity of Great Crested newts (GCN's) within the local area.

Comments from NRW also highlighted the likely presence of GCN's within the area although they did state that the proposed development is located approximately 360 metres from the Granllyn SAC and SSSI. They state that this SAC/SSSI holds the largest known population of breeding great crested newts in Montgomeryshire and they are a feature of the SAC.

In relation to the potential presence of GCN's a survey was undertaken and submitted for consideration. NRW indicated that they considered that the features and integrity of the site are unlikely to be significantly affected by the implementation of the proposed scheme. However, to ensure the GCN's are given due consideration and protection they request the inclusion of an amphibian reasonable avoidance measures scheme.

NRW added further comment in relation to construction and operational phases of the proposal and their opportunities to adversely affect GCN's; therefore consideration must be given to other aspects of the development that also have the potential to impact on GCN, such as water drainage schemes and kerb layout plans. To address this concern NRW recommended the inclusion of a suitably worded condition be attached to any consent given.

The PCC Ecologist also commented upon the submitted survey report and noted that assessment of the ponds identified that the pond within the site was of poor habitat suitability for great crested newts, the other 2 ponds within 250m were identified as good habitat suitability for great crested newts. Also that no great crested newts were found within any of the 3 ponds surveyed – palmate and smooth newts were recorded in the ponds outside the proposed development site. In summation the officer concluded by stating that no specific mitigation measures are considered necessary with regards to great crested newts and the proposed development.

The officer went on to add further comment in relation to the wider site by indicating that there will be a requirement to translocate sections of the existing hedgerow at the site. It was therefore recommended that a Hedgerow Translocation Method Statement is secured through an appropriately worded condition.

The officer also noted the requirement to provide additional landscaping at the site and wished to ensure that the details of any landscaping scheme including proposed species mixes, planting details and aftercare schedules are secured through an appropriately worded condition. It is noted that landscaping is a reserved matter and consent is therefore not sought under this current application. It is therefore considered that landscaping the site will be fully considered at the time of the submission of a reserved matters application and therefore a condition in this instance would not be considered to be necessary.

It was also noted that the use of any external lighting may have a potential impact upon nocturnal wildlife commuting and foraging in the area; again as such the officer wished to recommend a suitably worded condition to secure a Wildlife Sensitive Lighting Plan.

The officer also recommended the inclusion of a number of informatives which will be included with any decision notice issued.

It is therefore considered, subject to conditions that the application accords with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Flood zone

NRW indicate the application site currently lies within Zone C2 of the development advice maps associated with TAN15; however it is noted that only a part of the site is classified as such. Section 6 of TAN15 (Para. 6.2, i, ii and iii) sets out the tests that should be considered by a Local Planning Authority (LPA) in order to justify the location of development within a flood risk area, whilst maintaining that highly vulnerable development, such as residential, in Zone C2, should not be permitted.

NRW indicate that their role is to assess such submissions in accordance with Para. 6.2, iv and the acceptability criteria within TAN15.A1.14.

Following receipt of the applicant's FCA (Report 20134 dated June 2016 by David Floyd) in support of a proposed outline planning application for the construction of 5 new residential dwellings, NRW confirmed that the FCA and accompanying hydraulic modelling work have demonstrated that the probability of flood risk posed to the site is low and nominal consequences are manageable in line with TAN15 requirements.

NRW further indicate that for the Q1000 (0.1%) baseline event there is negligible overbank spill resulting in a maximum flooding depth of only 10 mm in the south-west corner of the proposed development site. For worst-case sensitivity scenarios overbank flooding is more widespread but maximum flooding depth within the site does not exceed 100 mm.

NRW highlight that the updated FCA and flood map challenge work has defined the perceived flood risk. The probability of flooding is low with impacts low. The submitted block plan indicates that no built development will be in the 0.1% extent but the redline boundary is. Therefore proposed mitigation in terms of slightly elevating the building platform to form a level ground will probably take the site completely out of flood zone, as described but in the absence of any proposed groundworks taking place, NRW consider that the inclusion of a suitably worded condition to be suitable mitigation.

In light of the above and subject to a suitably worded condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

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

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
5. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
6. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. Prior to first beneficial use 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 45 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. 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.
8. Prior to first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. Prior to the occupation of any dwelling, provision shall be made within the curtilage of any dwelling for the parking of not less than 1 car per bedroom (maximum of 3) excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be

retained for their designated use for as long as the development hereby permitted remains in existence.

10. The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5.0 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of any dwelling a 1.5 metre wide footpath shall be provided from the access to the development up to the private driveway for the property called Trawscoed Lodge and shall be retained at for as long as the development hereby permitted remains in existence.

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

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

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

15. Finished floor levels of the proposed dwellings should be set 300mm above the corresponding 1% plus climate change flood level or 300mm above adjacent ground level, whichever is the greater.

16. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Local Planning authority. Surface water generated from the site shall be limited to the equivalent greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling and retained in perpetuity.

17. Prior to the commencement of development a pollution prevention plan should be prepared and agreed in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

18. Prior to any works commencing on site detailed engineering drawings for the road widening of the C2104 and the ancillary footway works shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall thereafter be completed in full prior to the first occupation of any dwelling on site and retained in perpetuity.

19. Prior to any works commencing on site the road widening of the C2104 shall be fully completed to the written satisfaction of the Local Planning Authority.

20. Prior to the translocation of the hedgerow which bounds the site along Gwreiddyn Lane a detailed method statement shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and all translocation works shall thereafter take place in accordance with the details as approved.

23. At the time of the submission of the reserved matters a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

24. No development shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt (GCN) and an amphibian friendly water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;
- 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;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

24. The affordable dwelling/s shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

Reasons

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

4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. To protect the development from flooding and avoid impact on extreme flood flow routes in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
16. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
17. To prevent pollution of the water environment in accordance with policies GP1 and DC9 and to protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

20. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), 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 UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

22. In the interest of the protection and preservation of biodiversity in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan.

23. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

24. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

Informative Notes

Ecology

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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.

NRW

Twll Brook and Guilsfield Brook are within Powysland Internal Drainage District (IDD). Any potentially increased flow or volume into either of these brooks due to increased runoff from the site will need to be calculated and SUDS proposed so this is mitigated.

The applicant should also be advised that any discharge via headwall to Twll Brook may require approval from the Powysland IDD. James West the Powysland IDD Technical Advisor Tel: 03000 655295 James.West@cyfoethnaturiolcymru.gov.uk should be contacted for further information on this aspect.

Any discharge outfall to the brooks will need to be detailed and submitted to NRW in order to obtain Land Drainage Consent. In addition to the requirement for such consent, if the development will increase flow or volume in either Guilsfield or Twll Brook, a Surface Water Development Contribution will also need to be paid.

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

Pollution Prevention Guidance <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> is still applicable in Wales and PPG5 'Works in, near or over watercourses' and PPG6: 'Working at construction and demolition sites' are relevant.

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

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the 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 site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on immediately on Tel: 03000 65 3000

Case Officer: Kevin Straw - Planning Officer
Tel: 01597 827092 E-mail:kevin.straw@powys.gov.uk