

Correspondence received 20th May 2017

CCC supports the application with additional comment as follows:

- a) It notes that the development is in a rural settlement and outside a development area, so CCC is of the view that the development should have a condition for local need
- b) CCC urges planning officers to ensure that sewerage management and soakaway is adequate in an area of known drainage problems.

PCC Highways

Correspondence received 17th February 2017

I refer to your revised plan received in connection with the above development. I can confirm that I am now content that this plan address my previous concerns and therefore wish to withdraw my recommendation of refusal.

In view of the above please apply the following conditions:-

- 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 **59 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and **5.5 metres** distant from the edge of the adjoining carriageway and **6.0 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 4.8 **metres** for a minimum distance of **5.5 metres** along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC21** Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of **5.5 metres** from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
- 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.
- HC37** Prior to any works being commenced on the development site the applicant shall construct **2** passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

PCC Building Control

Correspondence received 21st October 2016

Please be aware that the proposed work will require Building Regulations Approval. For further information or to discuss the project please contact me on 07876216734 or by email paul.metcalfe@powys.gov.uk.

Correspondence received 5th May 2017

Please be aware that the proposed scheme will require Building Regulations approval. For further information please feel free to contact me on 07876216734.

Wales and West Utilities

Correspondence received 25th October 2016

With regards to your below request, **SY5** is not Wales & West Utilities area. This falls within National Grid's area, contact details for them below:

Email: plantprotection@nationalgrid.com

Telephone: 0800 688588

If you have any further questions please don't hesitate to contact me. Many thanks

Severn Trent Water

Correspondence received 15th Novemenbr 2016

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 – Land Drainage

Correspondence received 22nd Novemebr 2016

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Local Flood Risk/Land Drainage

Observation: Reference is made under Item 13 – *Assessment of Flood Risk* on the Planning Application form where it indicates that the site is not within 20 metres of a watercourse. This is incorrect. An existing watercourse flows through proposed site along its northern boundary. No further reference has been made in the submission to recognize the existence of this watercourse.

Comment: The Applicant will need to demonstrate how this watercourse channel will be safeguarded. The current layout will restrict future maintenance activities. The minimum requirement would be to allow for a 5 metre buffer strip adjacent to top of bank of the watercourse, which would also allow for any overland flows. No buildings, structures or alteration of contours shall take place within this 5 metre strip without prior permission from the Planning Authority.

The LLFA holds no historical flooding information relating to the site, however, the risks associated with this watercourse have not been assessed by the Applicant. In this particular case the submission of a topographic survey will be required in order for finished floor levels to be determined.

Recommendation: No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.

Reason: To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.

Informative: The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. Any

proposed diversion or culverting of an Ordinary watercourse will require the prior consent from the County Council under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to these land drainage systems.

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated under Item 13 – 'Assessment of Flood Risk' on the planning application form, where it states surface water is to be disposed to soakaway. Further reference is made within the Planning Statement to surface water management where it states surface water will be feed into soakaways and porous surfacing will be used where appropriate. The layout plan refers to the soakaways being designed in accordance with BRE365 following percolation test.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

The use of soakaways should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance for climate change.

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

Although rainwater harvesting for the use of washing purposes is to be encouraged, it cannot be taken into account when sizing an attenuation system as the storage facility may be full when a storm event occurs.

No surface water run-off shall flow onto the existing public highway.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed before the site becomes operational.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

Hope this is of assistance.

Correspondence received 2nd March 2017

With Graham looking at the LDP he has asked me to respond to your query.

Having considered the most recent information, drawing no SA229--/0- Rev 3, which was submitted in February 2017, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Local Flood Risk/Land Drainage

The LLFA holds no historical flooding information relating to the site. In this particular case the submission of a topographic survey will be required in order for finished floor levels to be determined.

Recommendation: No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.

Reason: To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.

Informative: The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. It is noted that an existing culverted watercourse runs along the western boundary of the site and under the proposed new access, this will require the prior consent from the County Council under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to these land drainage systems.

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Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed before the site becomes operational.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

If you have any queries or require further information then please let me know.

PCC Environmental Health

Correspondence received 31st October 2016

Please can the applicant/agent submit percolation test results for the septic tank drainage field in accordance with the methodology in document H2 of the Building Regulations?

It is important to establish whether the ground conditions are suitable for this method of foul drainage, and whether sufficient land area is available for its implementation. It is particularly important in this case because it is well known that White Grit is a poorly-draining area which may, depending on the results of the percolation tests, preclude the use of this type of drainage system.

Correspondence received 10th February 2017

Regarding the amended foul drainage plans, I have no objection subject to exemption/consent being received from NRW for the discharge to watercourse.

PCC – Ecology

Correspondence received 5th December 2016

Planning Application Reference	P/2016/1052
Project Name / Description	Erection of up to 3 dwellings and construction of vehicular access at , Land opposite Manor Cottage , White Grit, <u>Minsterley</u> , Shrewsbury
Consultation Deadline	06/12/2016



Ecological Topic		Observations
EIA Screening Requirement	No	Powys County Council has confirmed (20/10/16) that the proposal does not require EIA.
Protected Species & Habitats¹	European Species <input type="checkbox"/>	No information regarding protected species or habitats has been submitted with the application. There are no historic records of European protected species within 2km of the site. From the BIS information available it appears the impact on European protected species is likely to be very limited. BIS records of bats in the area are limited though it is expected that they do use existing hedge lines for foraging and commuting.
	UK Species <input checked="" type="checkbox"/>	No information regarding protected species or habitats has been submitted with the application. It appears that a section of existing hedgerow will need to be removed to accommodate a new access towards the proposed houses and a new passing place within the existing road in front of

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

		<p><u>Corndon Lodge</u>. There may be potential for nesting birds to be present within the hedge and it is therefore recommended that appropriate measures are applied to <u>minimise</u> the risk of destroying active nests during site clearance operations.</p> <p>Hedgerows can also be valuable corridors for a variety of wildlife, and it is recommended that measures are taken during ground disturbance around the base of the existing hedge to avoid the possibility of injuring/killing reptiles such as common lizards and slow worms.</p>
	Section 7 Species & Habitat <input checked="" type="checkbox"/>	<p>No information regarding protected species or habitats has been submitted with the application.</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 are a Section 7 Priority Habitat. The construction of a new access and a passing place within the existing road in front of <u>Corndon Lodge</u> would require the removal of an unspecified length of hedgerow which currently forms the highway boundary. A new hedge is proposed to replace the existing hedge and extend to the perimeter of the housing site which is encouraged. A species mix for the hedge and trees should be provided to the LPA. Also measures should be applied during construction to reduce risks of damage to retained trees as well as sections of hedgerow.</p> <p>Hedgehogs are a section 7 priority species which may be using the existing hedge for foraging, the watching brief required to prevent injury to reptiles should also extend to provide protection for hedgehogs during excavation works.</p> <p>Rivers and streams are a Section 7 Priority Habitat. The River <u>West Onny</u> is located approximately 200m to the east, and downhill of the proposal. Care should be applied during the construction phase to limit the risk of impacting the water quality of this stream; appropriate measures should be included in a pollution prevention plan.</p>

		<p>BIS records obtained for the location of the proposal indicate that the field of the proposal has contained a diverse range of ground flora. In light of these records and the proximity of surrounding sites designated due to composition of ground flora (see National Sites below), it is recommended that an initial Phase 1 Habitat Survey is undertaken of the proposed site to determine whether it may characterise a priority habitat included on Section 7 of the Environment (Wales) Act 2016, which would be directly affected by the proposals.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	<p>Hedgerows are part of the Linear Features Habitat Action Plan included within the Powys LBAP, see comments above.</p>
Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	<p>No international sites identified within the search area.</p>
	National Sites (within 500m) ³ <input checked="" type="checkbox"/>	<p>Several nationally designated sites are located within the search area; these consist of <u>Hillington Pastures SSSI</u>, <u>White Grit Meadows SSSI</u> and <u>Corndon Hill SSSI</u>.</p> <p>No direct impacts are expected to these sites as a result of the proposals. However these sites are expected to be particularly susceptible to elevated dust levels and therefore care should be applied during the construction phase to prevent generation of dust from these activities. These measures should be included in a pollution prevention plan.</p>
	Local Sites (within 500m) <input type="checkbox"/>	<p>No local sites identified within the search area.</p>

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

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

<p>Invasive Non-Native Species</p>	<p>No</p>	<p>Unknown but not expected from aerial imagery</p>
<p>Cumulative Effect</p>	<p>Unknown / Unconfirmed</p>	
<p>Summary of recommendations / further assessment or work</p>		<p>A Phase 1 habitat survey is required to determine whether the field of the proposal is composed of a priority habitat type according to section 7 of the Environment (Wales) Act 2016.</p> <p>Works that could disturb or result in the loss of bird nesting habitat should be timed to avoid the bird nesting season (generally March to August inclusive). If construction work that could disturb or result in the loss of bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing. Ground disturbance works affecting potential reptile and hedgehog habitat around the base of the existing hedge should also be undertaken under the supervision of a qualified ecological watching brief to limit the risk of harming reptiles during the work.</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>1) A lighting design scheme to take any impacts on nocturnal wildlife such as bats and hedgehogs into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>2) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p>

	<p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>3) Prior to commencement of development, a Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>4) Prior to commencement of development a pollution management/mitigation scheme has been submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird
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	<ul style="list-style-type: none"> intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Reptiles – Wildlife and Countryside Act 1981 (as amended)</p> <p>There are six terrestrial reptile species native to Britain, three snakes (adder, grass snake, smooth snake) and three lizards (common lizard, sand lizard, slow worm). All six species are protected under UK law, with the sand lizard and smooth snake afforded additional protection under European Law.</p> <p>Dry heathlands are the best natural habitats for the full range of British reptiles, but other semi-natural areas such as road verges, railway embankments, sea walls, brownfield sites, allotments, parts of golf course and hedgerows are also likely to be suitable. Activities potentially harmful to reptiles include; clearing land, digging foundations, cutting vegetation to a low height, driving machinery over sensitive areas, removing rubble, wood piles and other debris.</p> <p>There are two different levels of legal protection for reptiles in the UK. The adder, common lizard, grass snake and slow worm are protected from killing and injuring under Schedule 5 (Section 9) and of the Wildlife and Countryside Act 1981 (as amended).</p>
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Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 5: Nationally Important Sites ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
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Document Author	Rhydian Roberts	Approved by	Chris Jones
Version	1	Approved Date	05/12/2016

Correspondence 17th February 2017

Thank you for consulting me with regards to planning application P/2016/1052 which concerns an application for the erection of up to 3 dwellings and construction of vehicular access.

My colleagues at YGC provided a consultation response regarding the application dated 6th December 2016, in this response they recommended that an Extended Phase 1 Habitat survey should be undertaken to establish whether any habitats of importance were likely to be present or affected by the proposed development – no habitat assessment or photographs of the site were provided with the application as such YGC had recommended a precautionary approach of requesting a habitat survey to assess the potential impacts of the development.

Following receipt of this consultation response the agent has questioned the need for an Extended Phase 1 Habitat survey to be undertaken, in order to assess the need for this survey I have reviewed the site visit photos you have provided to establish the likely presence of habitats of local or regional importance.

Having reviewed the photos I consider that the site of the proposed comprises an area of poor semi-improved grassland a habitat of low ecological importance, the surrounding boundary features – hedgerow and occasional semi mature trees are considered to be the most valuable features for biodiversity at the site – it is noted that the submitted plans include proposals for additional native hedgerow and tree planting.

I therefore consider in light of the additional information that an Extended Phase 1 Habitat Survey will not be required, however I consider that the conditions and informatives identified by YGC in their consultation are appropriate and I recommend that they are included should you be minded to approve the application.

Natural Resources Wales (NRW)

Correspondence received 21st November 2016

Thank you for consulting Natural Resources Wales (letter dated 08/11/2016) regarding the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, provided sufficient information is available to demonstrate the suitability of the proposal at the chosen location.

Foul drainage

The planning supporting statement suggests the three proposed dwellings will be have 4 bedrooms. That means the total volume of discharge is likely to be above 2 cubic metres a day which suggests the discharge would require an Environmental Permit from NRW.

The applicant will need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <https://naturalresources.wales/apply-for-a-permit/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

We expect any new infiltration system to be built to BS 6297:2007 + A1:2008. This and Pollution Prevention Guide 4 provide details on how to assess the percolation value (Vp). A drainage field for disposal should only be used when percolation tests indicate average values of Vp between 15 and 100. The applicants should ensure they have sufficient land area available for a drainage field.

The granting of planning permission does not guarantee a permit under the Environmental Permitting Regulations 2010.

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.

Correspondence 28th April 2017

NRW has no additional comments to make. Please refer to our letter of 21/11/2016.

Representations

A public site notice was displayed at the site for a period of 21 days and three letters of objections have been received in response. The comments raised are summarised as below:

- Highways access poor
- Potential increase in traffic on narrow lane with no pavements
- Lack of infrastructure/services/facilities
- Poor ground conditions for septic tanks/soakaways
- Outside settlement boundary
- Drainage concerns
- Dwelling proposed not affordable as per UDP policy

Principal Planning Policies

National planning policy

Planning Policy Wales (9th Edition, 2016)

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

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

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

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

Technical Advice Note (TAN) 23 - Economic Development (2014)

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

Local planning policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC11– Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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

Officer Appraisal

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

Principle of Development

This application site lies adjacent to existing dwellings which form part of the built up area of the rural settlement of White Grit. The proposal is for a single market dwelling and therefore the proposed development cannot be considered under policy HP9. A single market dwelling in the proposed location represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

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

Sustainability

In considering a departure from the Powys Unitary Development plan policies officers must consider the location of the proposed development in terms of the wider sustainability of the development. We must take into account the range of services and facilities available within close proximity to the site and within a short travelling distance.

White Grit is defined in the UDP as a rural settlement with no allocated sites designated within the plan. The settlement itself has limited services and facilities but the nearby settlements of Hyssington and Priest Weston benefits from a church, community centre/village hall, public house and play area. The site is also located within a short driving distance of the village of Churchstoke which has a range of services and facilities. There are some public transport links near to the site.

Policy HP9 supports proposals for affordable dwellings in rural settlements where dwellings are sensitively located without affecting the amenity and character of the area and where they comply with the affordability criteria of policy HP10 and policy HP7. Given that a proposal for an affordable dwelling on the site proposed would be acceptable in principle, officers consider that given the current lack of housing land supply the principle of a market dwelling in the proposed location is considered to be acceptable subject to all other materials considerations.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support residential development at this location given its siting adjacent to a rural settlement. Therefore, it is considered that the proposed site is considered to be a sustainable location for residential development (single dwelling).

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the proposed dwelling is to be a 4 bedrooomed dwelling with a habitable floor space of approximately 130 metres square. Indicative size thresholds of 10.3 metres in length, 8.6 metres in width, 4.7 metres in height to the eaves and 9.2 metres in height to the ridge. The proposed detached garage is to measure approximately 14 metres square with a height of 2.1 metres to the eaves and 3.4 metres in height to the ridge. No indicative details of design of the dwellings or materials to be used in their construction are given at this stage, but they are intended to reflect the character and appearance of the surrounding area.

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

Landscape and Visual Impact

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

This site is located within the Todleth Hill and Scarp aspect area which is characterised as a network of medium to large sized grazed fields bounded by hedgerows with hedgerow trees and copses. Predominantly south and east facing forming a transition between upland areas to the north and east and open farmland to the south. The area is a typical example of farming in the area. Whilst LANDMAP recognises the scenic quality of the landscape as High the rarity of the landscape is considered to be moderate. The overall sensory and visual value is defined as moderate.

The proposed site is considered to be well connected to the rural settlement of White Grit being adjacent to the existing built up area and existing dwellings. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing rural settlement and would not have a significant adverse visual impact upon the character and appearance of the surrounding area.

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

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and initially responded when the proposal was for 3 dwellings. Revised plans were received for just one dwelling and comments received in response. No objections have been raised by the highways officer subject to the inclusion of the suggested conditions upon any grant of consent.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Foul Drainage

The proposed foul drainage from the site is proposed to discharge to a watercourse. As part of this application process the relevant bodies have been consulted who have raised no objection to the proposal. The indicative plan shows the proposed foul drainage to feed into the existing watercourse.

In light of the above, it is considered that the proposed development fundamentally complies with DC11 of the Powys Unitary Development Plan 2010.

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

As part of this application process Natural Resources Wales and our Land Drainage team have been consulted. No objections have been raised by either consultee subject to the inclusion of a condition to secure detailed plans in respect of a surface water drainage scheme.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC13 of the Powys Unitary Development Plan 2010 in respect of surface water drainage.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters""") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 25th April 2017 (drawing no's: SA22911/01 REV C) and amended plans received on 6th June 2017 (Drawing no's: SA2291103 REV A, SA22911 02 REV A).

5. No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.
6. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed before the site becomes operational.
7. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
9. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
10. No development shall commence on site until the access visibility is constructed from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 5.5 metres distant from the edge of the adjoining carriageway and 6.0 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.
11. Before any other 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.
12. 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.

13. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 4.8 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.
14. 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.
15. Upon formation of the visibility splays as detailed in condition 10 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
16. Prior to any works being commenced on the development site the applicant shall construct 2 passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.
17. Prior to the commencement of development a lighting design scheme to take any impacts on nocturnal wildlife such as bats and hedgehogs into consideration shall be submitted for written Local Planning Authority approval. Development shall be carried out in accordance with the approved details.
18. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
19. Prior to commencement of development, a Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
20. Prior to commencement of development a pollution management/mitigation scheme has been submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reasons

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

4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
6. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan 2010.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. 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 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
18. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

19. 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 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
20. To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informative Notes

Land Drainage

The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. It is noted that an existing culverted watercourse runs along the western boundary of the site and under the proposed new access, this will require the prior consent from the County Council under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to these land drainage systems.

Ecology

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on

Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife and Countryside Act 1981 (as amended)

There are six terrestrial reptile species native to Britain, three snakes (adder, grass snake, smooth snake) and three lizards (common lizard, sand lizard, slow worm). All six species are protected under UK law, with the sand lizard and smooth snake afforded additional protection under European Law.

Dry heathlands are the best natural habitats for the full range of British reptiles, but other semi-natural areas such as road verges, railway embankments, sea walls, brownfield sites, allotments, parts of golf course and hedgerows are also likely to be suitable. Activities potentially harmful to reptiles include; clearing land, digging foundations, cutting vegetation to a low height, driving machinery over sensitive areas, removing rubble, wood piles and other debris.

There are two different levels of legal protection for reptiles in the UK. The adder, common lizard, grass snake and slow worm are protected from killing and injuring under Schedule 5 (Section 9) and of the Wildlife and Countryside Act 1981 (as amended).

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