

Planning, Taxi Licensing and Rights of Way Committee Update Report

Application No:	P/2017/0010	Grid Ref:	330432.21 312640
Community Council:	Trewern	Valid Date:	Officer: 20/01/2017 Kate Bowen
Applicant:	E M & A R Paddock, c/o Agent		
Location:	Land adjoining The Fron, Middletown, Welshpool, Powys, SY21 8EN		
Proposal:	Outline: Residential development of up to 25 dwellings, construction of vehicular access and attenuation pond		
Application Type:	Application for Full Planning Permission		

UPDATE REPORT

Reason for Committee Update Report

Since the preparation of the original committee report, additional information in support of the application has been received from the applicants' agent. An additional response has been received from the Community Council and County Councillor together with a response from the Council's Schools Services.

The officer's response to the additional comments will be provided within the Officer Appraisal section of the report.

Additional information received from applicants' agent:

The application is in outline (with access) at this stage and, as described in the development description, is for a residential development of "up to 25 dwellings".

25 dwellings is therefore an upper limit on the number of dwellings proposed on the site, with the precise number of dwellings most appropriately determined at the reserved matters stage, when the scale, layout, landscaping and appearance of the proposed development will be considered in detail.

Nonetheless, whilst the proposed number of dwellings on the site is best determined at the reserved matters stage, 25 dwellings on the site would align directly with the spatial strategy of the Unitary Development Plan (UDP) as the UDP categorises Middletown as a "Large Village" and therefore a sustainable settlement where significant new residential development is supported.

It is recognised that UDP Policy HP4 provides a guideline of 10 dwellings on windfall sites in "Large Villages". However, this figure is merely a "guideline" relating to the amount of housing to be provided on windfall sites within the development boundary of a settlement, in addition

to those provided on allocated housing sites, during the UDP Plan period to meet that Plan's dwelling requirement.

As you are aware, the UDP is time expired and Powys does not benefit from a 5 year housing land supply. The housing land requirement and indicative settlement housing figures contained within the UDP are therefore out of date and can be given no weight in the determination of planning applications.

The guideline figure of 10 dwellings cannot, therefore, now be applied as some form of cap on the size of a residential development in a "Large Village". This is clearly demonstrated in Middletown, where housing allocation M175 HA4 "*Part OS 0036 and 0041, west of Golfa Close*" has an identified capacity of 15 dwellings (and, it should be noted, remains undeveloped) and where, historically, residential development has consisted of developments that comprise of far more than 10 dwellings (including Mount Pleasant, Golfa Close, Chestnut Drive and Middletown Residential Park).

Therefore, when determining the capacity of this site, it is more appropriate to consider the planning principles espoused in section 5.12 and Policy HP5 of the UDP, namely that new residential developments must be of a scale, form, design and general character to reflect the overall character and appearance of the settlement and surrounding area. In this regard it is contended that the development of 25 dwellings on the application site best reflects the scale, form, design and character of the settlement and a less dense form of development on this site would be incongruous in this location.

Whilst little weight can be afforded to the LDP until it is formally adopted, it is a statement of intent by the Council and it should be noted that the proposed development is in accordance with the LDP's Spatial Strategy, which highlights that the Council seeks to focus the majority of new housing development in towns and large villages, such as Middletown.

Whilst the LDP does not provide a cap on the scale of residential development sites in large villages, it does identify that large villages are locations where windfall development should be provided at a high density (Policy H3). It further advises that, in accordance with national planning policy guidance, residential developments should maximise the development potential of sites, promote developments that provide a mix of houses including smaller homes to meet housing needs generated by decreasing household size and promote higher density to improve site viability and thus the potential for greater contributions (i.e. the provision of affordable housing).

In summary, we would contend that whilst the proposed application is for the development of up to 25 dwellings the precise number of dwellings is most appropriately determined at the reserved matters stage. Nonetheless, the indicative site layout illustrates a development that respects the scale, form, design and character of the settlement and its historical development. It can easily be accommodated within the settlement and, in providing 25 dwellings the development also makes best use of the site, is viable and ensures a significant element of affordable housing.

Consultee Response

Trewern Community Council

Correspondence received 15/08/2017:

We have concerns about access onto the A458 and we agree with the issues that were identified by Welsh Government as requiring further information.

We are very concerned about the high number of planning applications in Middletown. There is no current Development Plan which makes it very difficult to prioritise which should be approved. We consider that the cumulative impact of the current proposals for housing in Middletown would place an unacceptable strain on local infrastructure. People in the area are very concerned about issues such as the sewerage system, school parking, impact on roads and the general lack of facilities. We believe that planning applications including this one should be considered within the context of a cohesive plan and not in a piecemeal fashion.

PCC Schools Service

There is surplus capacity at Buttington/Trewern Primary School so the school could accommodate any potential pupils from this proposed development.

Regarding the school car park, concerns have been raised by the school and local community over a number of years regarding the location and size of the car park and particularly the fact that there isn't anywhere else for parents to park and walk along to the school. As it is anticipated that this development will result in an increase in the number of vehicles accessing the school site, the Schools Service would wish to submit a S106 bid of £30,000 to fund improvements to parking provision at the school.

Councillor Representations

County Councillor Amanda Jenner

First correspondence:

With reference to the following applications:

P/2017/0747, P/2017/0551, P/2017/0548, P/2017/0464, P/2017/0333, P/2017/0574,
P/2017/0010

As I, local residents and the Community Council (chair copied in to this e-mail) have stated in our responses to most of these applications, we are concerned about the cumulative impact on Middletown given the amount of applications in this village there have been recently. It is felt that the sustainability of Middletown as a whole needs to be seriously taken into account and consideration needs to be given to the local infrastructure including the school and sewerage system (which I understand is at capacity). In our responses, we have therefore requested that these applications should not be considered in isolation to each other.

Second correspondence:

As the local member for Middletown, I would like to make a number of comments. Firstly, I am not opposed to this application in principal, nor have I had any residents contact me regarding this specific application. I am, however, concerned about the sustainability of Middletown as a whole and that there are a number of applications for housing developments

being considered at the moment specifically in this village. Only the most suitable of sites should be selected and only those which can also provide a benefit to the community. I am pleased that the planning officer has highlighted that there are other applications and trust that you will give this issue your due consideration.

1. It is disappointing that the plan has been amended to remove the provision of a public parking space. This would have given the church some much needed parking which it doesn't currently have. At the moment, attendance at the church is hindered due to no parking. The only place church visitors can park is across the very busy A458 trunk road, which has no pedestrian crossing facilities. I understand from the planning officer that the reason this was removed from the plan was because WAG requested details of likely usage of the car park by church attendees. From speaking with the Community Council, we feel that these details could be ascertained by speaking with the community and members of the church. I would also like to highlight that this planning application has not faced objection from the community and that it was felt that the provision of the car park would have benefitted the church and the wider community. The planning consultation was carried out on the basis of that original plan (which did include the car park) as it was only within the last few weeks that the new plan without that car park has been provided. Even the Cadw response to the consultation commented that the car park would be beneficial to the church and they too highlighted the issue of crossing the A458 road. I presume that Cadw have not been re-consulted on this change of plan either.

Given this, I therefore feel that planning should only be granted subject to the following condition:

- A commitment for further discussions to be had with WAG regarding the provision of a public car park (as included on the original plan) and a commitment for a public car parking space to be provided by the developers and final access arrangements to be agreed.

2. Given the lack of recreational facilities in Middletown for youngsters, which is a concern that has been raised by residents. It is also felt that planning should only be granted subject to the a commitment to provide recreational facilities in the free space (entered into in a 106 Agreement) and for developers to commit to enter into discussions with the community on the type of facilities which would be of most benefit to the community.

3. With regard to the Educational Department's comments on the problems with the school car park. School parking is one of the main issues which residents come to me about and I therefore re-iterate their request for a S106 bid of £30,000 to fund improvements to parking provision at the school.

Officer Appraisal

Development plan

The Community Council and the applicants' agent have referred to there being no current development plan. As advised within the original Committee report, although now time expired (expiry in 2016), the Unitary Development Plan is the current adopted plan used for determining planning applications. Therefore, the policies within the UDP are those used to consider planning applications at this current time.

Housing land supply

As referred to within the agent's statement and the original report, Powys County Council does not have a 5 year housing land supply and as stated within Technical Advice Note 1, this lack of housing supply is a material planning consideration which should be given considerable weight, but only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

Middletown is classified as a large village within the Powys Unitary Development Plan and four sites were allocated within the UDP for residential development (site M175 HA1 – Golfa Close extending to 0.81Ha for 6 dwellings, M175 HA2 – Land adjacent to the Caravan Park extending to 0.46HA for 5 dwellings, M175 HA3 – Land adjacent to the Methodist Chapel extending to 0.48Ha for 6 dwellings and M175 HA4 – Part OS0036 & 0041, west of Golfa Close extending to 0.74Ha for 15 dwellings). Three of the sites have been developed and as identified by the applicants' agent with M175 HA4 remaining undeveloped although application reference P/2017/0333 (Land adj Golfa Close) for erection of up to 9 dwellings relates to part of this allocated site and is pending determination. In addition, an application for erection of up to 9 dwellings (P/2017/0548 - Land adjoining Penyfoel Farm) is also pending determination as is an application for up to 5 dwellings at Land adjacent to Middletown (P/2017/0464) and an application for up to 4 dwellings at Land opposite South Bank (P/2017/0551) which are all outside the settlement development limits. In addition, application for 2 dwellings at Land adj. to Priors Cottage (P/2017/0747) is pending determination but is located within the settlement development limits of Middletown. The County Councillor has also raised concerns over the potential cumulative impact taking into account another application for up to 9 dwellings at Land at Gate Farm, Trewern (P/2017/0574).

As identified above and raised within the Community Council's comments, there are other applications for residential development in Middletown which are pending determination and careful consideration will need to be given at the time of their determination as to whether the overall capacity of the settlement in terms of the sustainability and impact upon the facilities of Middletown and wider area would be exceeded as a result of the cumulative residential development.

Settlements in Powys are categorised according to their place in the strategic settlement hierarchy with Middletown classified as a large village. The pre-amble to UDP Policy HP4 states that it is important that larger housing schemes are located close to existing facilities in order to ensure that travel demands and journeys are minimised. The facilities that settlements have to offer and their capacity to absorb new housing growth is reflected in their position in the hierarchy. Whilst Middletown is classified as a large village within the UDP currently and UDP Policy HP4 indicates that the capacity of such large villages is generally sites up to 10 dwellings, it is noted that an allocated site within the LDP is proposed which could accommodate 19 dwellings and a site for 15 dwellings (M175 HA4) was allocated within the UDP. The Community Council has stated that the public are concerned over the impact upon the general lack of facilities. The settlement is served by community services

and facilities including village hall, church and public house. It is also noted that the village is served by a bus route and is located approximately 14 miles from Shrewsbury and 6 miles from Welshpool. The site itself is already served by a pedestrian footway to the community facilities, although pedestrians would need to cross the A458 trunk road to access the facilities. Whilst the Community Council's concerns are noted, the services and facilities in Middletown and the good transport links to the surrounding larger centres such as Welshpool and Shrewsbury are such that it is considered that the settlement has the capacity to accommodate the proposed 25 dwellings.

Highway access and parking requirements

The Community Council has raised concern over the access onto the A458 trunk road and impact upon roads. Access would be gained via an estate road off the A458 trunk road. Members will note within the original report that the Welsh Government Transport Section has removed their objection subject to the use of conditions. Therefore, it is concluded within the original report that subject to the use of the recommended conditions, that the proposed means of access onto the trunk road would be adequate in compliance with UDP Policies GP1 and GP4. In addition, given neither the Council's Highway Authority nor the Welsh Government have raised concerns over the impact on the local road network, it is considered that the local road network has adequate capacity for the proposal.

Church car park

Historic Environment Record (All Saints Church)

The County Councillor has raised concern over the removal of the proposed church car park from the proposal. Whilst Cadw has not been reconsulted on the amendment because Cadw's responsibility is not to consider the impact on local heritage assets, the Council's Built Heritage Officer has been notified of the removal of the car park. The Built Heritage Officer's responses places some weight on the benefit of a proposed church car park, however as concluded within the original Committee report, given that the proposal still includes an area of public open space between the church and the proposed dwellings, it is concluded that this distance would result in the proposed development having a limited impact upon the setting of the church.

Community facility

Otherwise, whilst the church is considered to be a community facility which should be safeguarded from alternative proposals of the building itself as set out within UDP Policy CS2, religious establishments are not specifically referred to within UDP Policy CS3 as being essential community facilities (reference includes local health facilities, education facilities, a new branch library or a community hall) and as such it is not considered that such the provision of a church car park could reasonably be requested by planning condition or obligation, particularly where it is not considered that the scale of the development is such that it would create the need for parking provision for the church. The recommendation includes a condition to require the implementation of a pedestrian footway along the frontage of the site which would enable residents of the proposed dwellings to access the church and as such, it is concluded that it would not be reasonable to require a church car park as part of the proposal.

Highway access and parking requirements

As advised in the original Committee report, the church car park was removed from the proposal because the Welsh Government Transport Section required additional information on the traffic movements associated with the site including the church car parking and how the church would be accessed from the car park. The Welsh Government Transport Section has been reconsulted on the amended plan which includes the removal of the car park and has removed their objection subject to the use of conditions. Whilst the benefits of the car park in assisting visitors to the church are acknowledged, as detailed above it is not considered that the development would cause undue strain upon the church that would reasonably warrant the provision of a car park as a result of the proposed development. In addition, the pedestrian footway required by the recommended condition would provide access for residents of the proposed dwellings to account for any increase in users of the church from the proposed development.

Impact upon education facilities

The Community Council and County Councillor have raised concerns over the impact of the development upon Buttington/Trewern County Primary School, which is situated in Trewern, approximately 2.5 miles from the application site. In addition, concerns have been raised over poor parking facilities at the school. UDP POLICY CS3 states that where the scale of a new development proposal is such that it would create the need for new or upgraded community facilities, a planning condition will be attached to any grant of consent, or the applicant will be requested to enter into a planning obligation to ensure the provision of or contribution towards the necessary facilities. Examples of such community facilities include education facilities and the preamble to the policy states that planning obligations will be sought to ensure the development will provide adequate community facilities or will secure satisfactory access to existing facilities.

The Council's Schools Service has confirmed that there is surplus capacity at Buttington/Trewern Primary School so the school could accommodate any potential pupils from this proposed development.

Regarding the school car park, the Schools Service has confirmed that concerns have been raised by the school and local community over a number of years regarding the location and size of the car park and particularly the fact that there is not anywhere else for parents to park and walk along to the school. Therefore, as it is anticipated that this development would result in an increase in the number of vehicles accessing the school site, the Schools Service has requested a £30,000 contribution to fund improvements to parking provision at the school.

Planning Authorities are permitted to seek planning obligations from developers of land in accordance with Circular 13/97. Such obligations must be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Schools Services have advised that based upon their formula, 6 additional pupils in total would be generated as a result of the development. Given that parking concerns have been identified which would be exacerbated by an increase in traffic movements by an increase in pupil numbers, it is considered that a financial contribution secured via a section 106 obligation could meet the tests set out in Circular 13/97. However, as Development Management has not had an

opportunity to negotiate with the agent on this matter, it is suggested that it be delegated to the Lead Professional for Development Management to negotiate a contribution that is appropriate to the development proposed and the upgrading works required.

Foul drainage

The Community Council and County Councillor have stated that members of the public have concerns over the impact upon the sewerage system because there are concerns that the public system is at full capacity. Severn Trent Water has advised that they have no objection to the development and therefore Development Management has not been made aware by Severn Trent that there are capacity concerns. Severn Trent Water has advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

RECOMMENDATION

Whilst the number of dwellings proposed exceeds the guidelines set out within UDP Policy HP4 for windfall sites (10 for large villages such as Middletown), given the good transport links and the facilities offered locally, together with the indicative layout reflecting the density and character of other modern development in the settlement, on balance, it is considered that 25 dwellings is acceptable at this location.

As concluded within the original report, whilst there would be a low impact upon the setting of a Scheduled Ancient Monument and impact upon a historic asset (All Saints church) recorded within the Historic Environment Records and the proposed development is a departure from the development plan, it is considered that the Council's current lack of housing supply weighs in favour of approving the proposed development in a sustainable location.

Following the response from the Schools Service, and as considered in the original report, it is recommended that the application is approved subject to the conditions set out below and subject to the applicant entering into a section 106 agreement to secure the following:

- A management agreement for on-site open space/play area (to secure provision, retention and maintenance); and
- Contribution to fund improvements to parking provision at Buttington/Trewern County Primary School.

Conditions:

1. Details of the layout, appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings and retained in perpetuity.
6. 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:
 - 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/bed spaces;
 - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - 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.
7. Prior to commencement of works, a Pollution Prevention Plan (PPP) for the construction phase must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved Pollution Prevention Plan.
8. No development shall take place (including ground works, site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must include, but not be exclusive of:
 - Appropriate Reasonable Avoidance Measures (RAM) to avoid injuring otters, badgers and other protected species;
 - Methodology for hedgerow relocation;
 - Attenuation pond design and species composition list if applicable;
 - Biosecurity Risk Assessment;
 - A wildlife sensitive exterior lighting plan designed to retain dark corridors along boundary hedgerows and trees;
 - Persons responsible for implementing the works.

9. Prior to the commencement of development a report shall be submitted to and approved in writing by the Local Planning Authority detailing the provisions for the control of noise, vibration and dust for the construction-phase of the development. The development shall be carried out in accordance with the approved report.
10. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
11. Upon the submission of the reserved matters referred to in Conditions 1 and 2, a scheme for the provision of a footway along the northern side of the A458 trunk road in a westerly direction from the vehicular access shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwellings hereby approved the approved footway shall be fully completed.
12. Within 28 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
13. 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. The parking areas shall be retained for their designated use in perpetuity.
14. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
15. Any internal side-road junctions shall have a corner radii of 6 metres.
16. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
17. No dwelling shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
18. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

19. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.
20. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800-1800 hrs Monday to Friday
 - 0800-1300 hrs Saturday
 - At no time on Sundays and Bank Holidays

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

21. The affordable dwellings 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.
22. The access shall be laid out and constructed strictly in accordance with the approved drawing number SA24619/02 Rev B
23. The minimum visibility distances available for vehicles emerging from the proposed access shall be 160m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 4.5 metres from the running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
24. The width of the proposed means of access shall be 7.3m (minimum) for the first 15m. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway.
25. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
26. During the construction phase the applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site until construction is complete.
27. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.

28. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: streetwork@nmwtra.org.uk prior to the commencement of works that will affect the through traffic on the A458 Trunk Road, and agree a Traffic Management Plan.

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 development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010) and Technical Advice Note 15 – Development and Flood Risk (2004).
6. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
7. To ensure that the development does not adversely affect the Trewern Brook SSSI in accordance with Planning Policy Wales (2016), Technical Advice Note 5: Nature Conservation and Planning (2009) and Policies SP3 and ENV5 of the Powys Unitary Development Plan (2010).
8. To ensure that the proposed development has no detrimental effect on any European Protected Species (EPS) in accordance with Planning Policy Wales (2016), Technical Advice Note 5: Nature Conservation and Planning (2009) and Policies SP3 and ENV7 of the Powys Unitary Development Plan (2010).
9. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).
10. To maintain the safety and free flow of trunk road traffic in accordance with Policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
11. to 19. To ensure that adequate provision is made for highway safety in accordance with Policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
20. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).
21. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
- 22 to 28. To maintain the safety and free flow of trunk road traffic in accordance with Policies GP1 and GP4 of the Powys Unitary Development Plan (2010).

Informative Notes

Restricted Byway:

Restricted Byway 5, Middletown, Trewern passes very close to the development. The applicant/developer is reminded it is an offence to interfere with the surface of a public right of way and should be minded when undertaking works to not obstruct the byway.

Please note the advice from Natural Resources Wales (NRW):

We advise that any proposed scheme should ensure that surface water run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Groundwater Protection: Principles and Practice (2013) Position Statement G13 (Sustainable drainage systems) applies to this development. We support the use of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for run-off from hard surfaces such as roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

Further information is available in the following guidance:

- Welsh Government (2015) Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems
- CIRIA (2015) SuDS manual (C753)

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

All works at the site must be carried out in accordance with PPG5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the netregs website:

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of 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 either registered with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010 if the activity meets the exemption criteria or undertaken under an Environmental Permit. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit or environmental permit for any material imported to the site.

Please note the comments from Welsh Government Transport:

a) The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

b) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

c) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

d) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

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