

The piece of land is not included in the Local Development plan.

It was questioned as to whether there is any money allocated for recreational purposes from the proposed development on the land adjacent to Dyffryn Foel? Perhaps you could look in to this please?

2nd Response:

The above council do not support planning application P2017 0363 for the same reasons mentioned previously - the proposed access is in a very dangerous place and the land is outside the LDP.

Cadw

1st Response:

Thank you for your letter of 24 April 2017 inviting our comments on the planning application for the proposed development as described above.

The statutory role of Historic Environment Service (Cadw) in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The application area is located some 91m from east of the boundary of scheduled monument MG216 Roman Supply Depot, Llansantffraid ym Mechain. The monument comprises a roughly oval embanked enclosure, approximately 80m north-west to south-east by at least 100m, set on ground falling to the south-east. Trenching in 1987-8, and resistivity survey, showed that the enclosure was defined by two ditches. Although it is suggested that the site may be a Roman Supply Depot, no Roman material was recovered during the excavations, and it is possible that this is a later prehistoric settlement enclosure.

The proposed development will be of 9 houses with some facing the A495 and some in a close behind. Views between the proposed development and the scheduled monument are blocked by existing buildings and vegetation. Consequently the proposed development will not have any impact on the setting of the scheduled monument.

2nd Response:

The additional information does not alter the advice in our letter of the 26th April 2017.

PCC Highways

The unclassified highway does not abut the application site and there is an approximate 23 metre distance between the end of the highway and the application site boundary. As such the new estate road will need to incorporate this length of private highway in order to ensure that adoptable standards are constructed for the entire estate road.

Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 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 the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC10 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 15 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.

HC19 No building 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.

HC20 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.

HC31 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.

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

In the interests of highway safety.

PCC Building Control

Building Regulations application required.

Wales and West Utilities

No comments received by Development Management at the time of writing this report.

Severn Trent Water

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

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

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

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

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

PCC Environmental Health

The proposal for the foul drainage is to connect to the mains sewer. Environmental Protection has no objection to this application.

PCC Affordable Housing

1st Response:

I am happy with the application as long as the following guidelines are adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

2nd Response:

Llansanffried	All Accommodation types	Bungalow All bed no.s	Flat / Bedsit / Maisonette All bed no.s	House All bed no.s	TOTAL number of units	Applications with multiple house type choices
	53	24	28	19	71	71 - 53 = 18
1 bed	24	12	19	2		
2 bed	38	20	18	12		
3 bed	7	2	1	7		
4 bed	3	2	1	3		
5 bed	0	0	0	0		
	72	36	39	24		
Applications with multiple bed no choices	72 - 53 = 19	36 - 24 = 12	39 - 28 = 11	24 - 19 = 5		

Welsh Government Transport

I refer to your consultation of 10 April 2017 regarding the above application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK.

CPAT

1st Response:

Thank you for the consultation relating to the above proposals.

Information retained within the Regional Historic Environment Record indicates that this application site lies within an area of potential archaeological sensitivity. The plot lies 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. 40 metres to the east there are some rectangular ditched enclosures recognised on 1984 aerial photography which remain undated but could be related to the Roman military activity (PRN 3636 Bryn Vyrnwy Cropmarks). The development plot lies in close proximity to both of these sites and may therefore contain Roman period archaeology. In addition the plot lies on a river terrace which would have been attractive to prehistoric seasonal and permanent activity and there may be unrecorded surface archaeology of this period here. The 2 metre resolution LiDAR data for the plot also shows a late or post medieval ridge and furrow field system throughout the plot on a NE/SW orientation. The ridge and furrow appears to overlie a bank of unknown function and date oriented NE to SW.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government Planning Policy Wales (Edition 8, Jan 2016), Circular 60/96 - Archaeology and Planning (Dec 96) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached advisory information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work and a guidance note on commissioning archaeological works in our area.

Please contact me if you wish to discuss the above advice or require any more information.

2nd Response:

Thank you for the amended details notification.

I can confirm that none of the changes affect our previous advice requiring a pre-determination evaluation of the plot. We understand that the applicants have engaged the Trysor archaeological contractors to complete the evaluation and we await the results before commenting further.

3rd Response:

Further to my earlier email I can confirm that additional archaeological work in the form of a 10x10 metre square excavation area will be required around the location of the Bronze Age pit found in Trench A of the evaluation at the northern edge of the site. The pit is unlikely to be a solitary feature and they normally occur in group and represent a temporary cooking or processing area.

The agent has confirmed that the applicant is happy to complete the additional archaeological work as a condition of consent and I have therefore included a scheme of investigation condition to allow this works to take place.

The condition in this case would be;

No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A digital copy of the resulting report should be submitted to the Local Planning Authority and the Development Archaeologist, Clwyd Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a digital copy of the report and resulting archive should be sent to the Historic Environment Record Officer, Clwyd Powys Archaeological Trust for inclusion in the regional Historic Environment Record. A digital copy should also be sent to the RCAHMW NMR, National Library of Wales, Aberystwyth.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development.

Planning Application Reference	P/2017/0363
Project Name / Description	for Outline - Erection of up to 9 dwellings (some matters reserved), formation of vehicular access and all associated works at , Land adj 'Cranford' , , Llansantffraid - Ym - Mechain, Powys.
Consultation Deadline	01/05/2017

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.59 hectares and includes up to 9 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service. The application site appears to be located within an agricultural field grazed by livestock and is bounded by a short length of hedgerow with a mature tree to the south-west (both are indicated to be retained on the submitted site plan). A new hedgerow and tree planting is proposed around the boundary of the new development.

Protected Species & Habitats¹	European Species	<p>Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least six bat species, otter and great crested newt from within 2km. There are three otter records from the nearby Afon Cain.</p> <p>No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. The mature tree to the south-west of the site could provide suitable habitat for a bat roost, but would appear to be retained within the development. Due to its potential to provide bat roosting habitat this tree and its root structure should be protected from damage in accordance with BS5837:2012 during the works. I have also made recommendations below regarding sensitive working methods to be adopted should any work need to be carried out on the tree.</p> <p>There is very little hedgerow that could provide bat foraging and commuting habitat surrounding the site and none would be lost to the development. The site does not appear to be suitable for otter and adverse impacts on this species appear unlikely. The nearest pond appears to be located approximately 250m north-west, on the opposite side of the A495. In combination with the lack of apparent suitable habitat at the site, impacts on Great Crested Newt are considered unlikely.</p>
	UK Species	<p>There are historic records of badgers and nesting bird species from the vicinity of the site; the short length of boundary hedgerow and mature tree to the south-west offer potential nesting habitat for a variety of bird species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy 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.</p> <p>The site does not appear suitable to support badger setts and adverse impacts on this species are considered unlikely.</p>

	Section 7 Species & Habitat	<input checked="" type="checkbox"/>	<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 and I understand that the short section present within the site is to be retained. I therefore recommend that this hedgerow, along with the mature tree within it, is protected during the construction phase.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of native, locally-occurring species.</p> <p>No other Section 7 Species or Habitats are considered likely to be adversely affected due to the nature of the application site.</p>
	LBAP Species & Habitat	<input checked="" type="checkbox"/>	See previous observations.
Protected Sites	International Sites ²	<input type="checkbox"/>	None within the search area.
	National Sites ³	<input type="checkbox"/>	None within the search area.
	Local Sites (within 500m)	<input type="checkbox"/>	None within the search area.

Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.
Summary of recommendations / further assessment or work		<p>The mature tree to the south-west of the site could provide suitable habitat for a bat roost, but would appear to be retained within the development. Due to its potential to provide bat roosting habitat this tree and its root structure should be protected from damage in accordance with BS5837:2012 during the works.</p> <p>Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost.</p> <p>All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the <i>Conservation of Habitats and Species Regulations 2010</i>.</p> <p>Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.</p> <p>Under Regulation 41 of the 2010 Regulations it is an offence to:</p> <p><i>(1) deliberately capture, injure or kill any wild animal of a European protected species;</i> <i>(2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—</i> <i>(a) to impair their ability—</i> <i>(i) to survive, to breed or reproduce, or to rear or nurture their young; or</i> <i>(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or</i> <i>(b) to affect significantly the local distribution or abundance of the species to which they belong</i> <i>(3) deliberately take or destroy the eggs of such an animal; or</i> <i>(4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).</i></p>

Furthermore that all British bats are protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place.

It is therefore recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during tree works. If bats are encountered on site works should stop immediately and NRW should be contacted.

As a precaution it is recommended that the following sensitive felling procedure be implemented to minimise disturbance to bat populations.

- Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.
- If the tree trunk is smaller than 200mm diameter **and** if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (ie avoiding the bird breeding season).
- To avoid disturbing nursery roosts, work will **never** be carried out between June and August inclusive.
- If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should only be cut **only** in September and October when bats, including young are still mobile and able to fly-out.
- Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.

	<p>Hedgerows are a Section 7 Priority Habitat and I understand that the short section present within the site is to be retained. I recommend that this hedgerow, along with the mature tree within it, is protected during the construction phase.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of native, locally-occurring species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy 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.</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>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>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 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act</p>

2016.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

	<ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>
Comments on Additional Information	N/A

Document Author	Chris Jones	Approved by	Rhydian Roberts
Version	1	Approved Date	24/04/2017

Representations

The application was advertised through the erection of a site notice and press advertisement. Three objections have been received and are summarised below;

- Concerns regarding highway safety
- Increased numbers of traffic
- Concerns regarding the proximity of the access to the national speed limit

Planning History

No relevant history to report.

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2013)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources

UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV11 - Development in Conservation Areas
UDP ENV12 - Permitted Development in Conservation Areas
UDP ENV13 - Demolition in Conservation Areas
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP ENV 18 – Development Proposals Affecting Archaeological Sites
UDP TR2 – Tourist Attractions

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

Officer Appraisal

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

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

Principle of Development

Outside of settlement boundaries, UDP Policy HP4 applies and states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

Housing land supply

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the

housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainable location

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llansantffraid ym Mechain (defined as a Key Settlement within the UDP). The settlement has a number of services including, shops, restaurants, petrol station, church and primary school. Development Management considers that future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services. It is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable Housing

The outline submission indicates a mixture of dwellings; however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. The current submission indicates provision of two affordable dwellings. Therefore, on this basis, it is considered that the proposed level of affordable housing (single unit) is acceptable and a condition should be attached to require the submission of a scheme for the provision of affordable housing.

Appearance, Layout and Scale

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site is relatively flat in nature and the proposed plan demonstrates a street frontage development with cul-de-sac to the rear. Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 9 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is bounded by agricultural fields to the north-east and south-west, while on its east elevation the site is adjacent to an existing dwelling. Dwellings are also located on the opposite side of the A495 which bounds the site to the north east.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. It is considered that the submitted plan demonstrates that these measurements could be adhered to when considering the detailed design which would take account of the overshadowing guidelines and as such will be considered at reserved matters stage.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highway Safety and Movement

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

The scheme will utilise the existing entrance road into the site that already provides access to the an agricultural building.

Powys Highways were consulted on the application and offered no objection to the proposed development subject to conditions being attached to any grant of consent..

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

Archaeology

Policy ENV18 of the Powys UDP states that proposals for development that may affect a site potentially containing important archaeological remains will be requested to undertake additional work prior to determining the application.

Following submission of the application Clwyd Powys Archaeological Trust (CPAT) commented stating that 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. As such further information would be required to support the application to ensure that no important archaeological remains remained within the site. Further information was submitted in support of the application and CPAT are content provided a condition is added to any consent.

The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy ENV18.

Foul drainage

It is proposed to connect to the public sewerage system which is the preferred method of disposal. Public representations have raised concern over foul drainage. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewerage and sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. 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.

Impact upon nature conservation

Given that the site is currently within agricultural use and that there are no known species or sites within the locality which would be affected by the development, it is not considered that the proposal would affect nature conservation interests. Landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3. Furthermore the County Ecologist did not raise any concerns with the scheme and have suggested a number of safeguarding conditions to be attached to the decision notice if application is approved.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not

introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

With regards to the Development Management function, TAN 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llansantffraid ym Mechain which falls under the Llansantffraid Community has not been identified as one of the settlements under policy GP5.

Community: Llansantffraid

Able to speak Welsh

	2011	2001	2011	2001
Age	%	%	Number	Number
3+:	19.8	21.4	271	253
3-15:	40	42.4	78	78
16-64:	14.5	15.4	120	110
65+:	21	22.9	73	65

However the amended scheme proposes 2 affordable unit, this provision represents 20% of the overall development and is in keeping with the Viability Study for providing Affordable Housing in Powys (August 2016). It is considered that the provision of affordable dwelling

helps mitigate against the impact of a development on the Welsh language, the affordable house provision and the contribution the 7 open market dwellings make to the lack of a five year housing supply are given considerable weight.

It is considered that the introduction of nine dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

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

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 in accordance with the plans stamped as approved on xxx in so far as the extent of the application site is drawn and the access point onto the C2106 highway (drawing no: RPP/RC/JOB37-03.2).
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;*
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];*
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced*
6. The affordable dwelling 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.
7. Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

8. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. 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.
11. The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5.5 metres for a minimum distance of 15 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.
12. No building 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.
13. 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.
14. 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.
15. No storm water drainage from the site shall be allowed to discharge onto the county highway.
16. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
17. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A digital copy of the resulting report should be submitted to the Local Planning Authority and the Development Archaeologist, Clwyd Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a digital copy of the report and resulting archive should be sent to the Historic Environment Record Officer, Clwyd Powys Archaeological Trust for inclusion in the regional Historic Environment

Record. A digital copy should also be sent to the RCAHMW NMR, National Library of Wales, Aberystwyth.

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.

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. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
7. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
8. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
9. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
10. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
11. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
12. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
13. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
14. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
15. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
16. 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).
17. To secure preservation by record of all archaeological remains which will be impacted by the development in accordance with Policy ENV18 of the Powys UDP..
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 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act

Informative notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk