



## PCC Highways

*Correspondence received 12<sup>th</sup> October 2017*

The County Council as Highway Authority for the County Unclassified Highway, U2237

Wish the following recommendations/Observations be applied  
Recommendations/Observations

No conditions are applicable to this application because it is located off a private road over 250 metres from the nearest public highway.

## PCC Building Control

*Correspondence received 11<sup>th</sup> September 2017*

Building Regulations application required.

## Wales & West Utilities

*Correspondence received 13<sup>th</sup> September 2017*

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

## Severn Trent

*Correspondence received 14<sup>th</sup> September 2017*

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:

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

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

Cllr Amanda Jenner

*Correspondence received 22<sup>nd</sup> September 2017*

I write as the local member for the above planning application.

No one has raised any concerns with me regarding this application and having met with the applicant and hearing of the reasons for this application, I feel that this application should be approved and I therefore support it. It will provide a home for a local lady who works within Powys and it is important to support local, hardworking people who wish to continue living within Powys. This application should not, therefore, require a section 106 agreement attached to it.

Should this application not be recommended for approval, I wish to call in the decision to the planning committee so that I may make representations.

Environmental Health

*Correspondence received 21<sup>st</sup> September 2017*

Foul drainage

The application form states that the proposed development will be served by a new package sewage treatment plant, however no further details about the system have been included.

The sewage effluent output from a treatment plant usually takes the form of one of either: a) outfall to local watercourse, or b) dispersal via a drainage field. Option A requires consent to discharge from Natural Resources Wales and option B requires percolation tests to be carried out, in accordance with the approved method in document H2 of the Building Regulations, in order to demonstrate that the ground conditions are suitable. In addition, both options will require confirmation of the capacity of the intended system together with a plan of its intended location.

Please can the applicant/agent provide the information detailed above?

At present I must object to the application due to a lack of information.

*Correspondence received 22<sup>nd</sup> September 2017*

No objection to the foul drainage scheme, subject to NRW consent/exemption for the discharge to watercourse.

PCC Ecology

*Correspondence received 28<sup>th</sup> September 2017*

Thank you for consulting me with regards to planning application P/2017/0949 which concerns the full planning application for erection of a 3 bedroomed dwelling and associated access and landscaping at Hill Cottage, Middletown, Welshpool.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 190 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are no statutory designated sites present within 500m of the proposed development.

There are two no –statutory designated sites present within 500m of the development.

### Bats

There appears to be a small structure/shed in close proximity of the development that maybe demolished/removed to accommodate the proposed development. Therefore consideration has been given to the potential for the that structure to support roosting bats – bats being a European protected species. Reviewing aerial images of the surrounding habitat it appears favourable to bats for commuting and foraging with woodlands in close proximity to the proposed development site. Reviewing photographs of the existing structures that are proposed to be demolished it is considered to be unsuitable to support roosting bats. Due to the nature of the buildings' construction it offers limited opportunity for suitable features to support roosting bats.

### Great Crested Newts

I note that there are a number of records of great crested newts within 500m of the proposed development site – consideration for suitability of the development site to support Great Crested Newts was considered – Great Crested Newts being a European Protected Species. Having reviewed information available in form of onsite photographs the habitat present at the site of the proposed development offers unfavourable habitat for great crested newts terrestrial habitat. Given the lack of suitable habitat of the proposed development site, as well as lack of connecting habitats to suitable water bodies it is considered that the proposed development would not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

### Tree and Hedgerow Protection and Replacement Plan

Given the proximity of the proposed development works to surrounding trees and hedgerows to the proposed development site, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works. I do note from the onsite photographs that excavation works have already taken commence on the proposed development site.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to trees and hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features such as woodlands and tree lined water course suitable for mobile wildlife to forage and commute. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

#### Landscape planting scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscape planting scheme is secured through an appropriately worded condition.

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

*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.*

Reason: To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

*Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

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

*Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.*

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

In this instance should you be minded to approve the application I consider it would be appropriate to include an informative advising the applicants of the legal status of great crested newts and what actions to take in the unlikely event a great crested newts is encountered during the development works. Suitable wording for an informative covering these details is as follows:

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

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

It is therefore an offence to:

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

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

CPAT

*Correspondence received 11<sup>th</sup> September 2017*

I write to confirm that there are no archaeological implications for the proposed development at this location.

CADW

*Correspondence received 28<sup>th</sup> September 2017*

Thank you for your letter of 17 August 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG007 Cefn y Castell. Our assessment of the application is given below.

Our role

Our statutory role 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. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

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 (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. 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 protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of 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, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

## Assessment

The proposed dwelling would be located c 550m south west of the scheduled monument MG007 Cefn y Castell at the foot of the steep rise of Middletown Hill on which the monument, an Iron Age hillfort, is situated. The proposed development would only be visible from the south west periphery of the hillfort, where it would appear in the distance set against an immediate backdrop of other newly built residential properties which are adjacent. In this context any effect on the setting of the monument would be negligible.

## Powys Ramblers Association

*Correspondence received 9<sup>th</sup> October 2017*

Powys Ramblers wish to comment as follows please:

The location plan does not show the nearby right of way. However on page 8 of the design and access statement it says that the right of way would not be affected. If it can be determined that this is the case then the only comment we wish to make is that in the event of planning permission being granted can the applicant please be informed about the importance of keeping the right of way free from obstruction during and after the development works.

## **Representations**

A public site notice was displayed at the site for a period of 21 days. No third party representations have been received by Development Management at the time of writing this report.

## **Planning History**

P/2015/0741 - Erection of 1 affordable dwelling, formation of vehicular access, creation of passing places and demolition of existing sheds and all associated works (outline) (revised proposal)

P/2016/1063 - Reserved matters application in respect of outline planning approval P/2015/0741 for the erection of an affordable dwelling and all associated works – Conditional Consent

NMA/2017/0010 - Application for non material amendment to planning permissions P/2016/1063 (reserved matters) and P/2015/0741 (outline) to allow changes to siting of dwelling and garage - Approved

## **Principal Planning Policies**

## National planning policy

Planning Policy Wales (9<sup>th</sup> edition, 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)

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

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

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2013)

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

Technical Advice Note 24: The Historic Environment (2017)

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

## Local planning policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highways and Parking Requirements

GP5 – Welsh Language and Culture

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

ENV17 – Ancient Monuments and Archaeological Sites

HP3 - Housing Land Availability

HP4 - Settlement Development Boundaries and Capacities

HP5 - Residential Development

HP6 - Dwellings in the Open Countryside

HP8 - Affordable Housing adjoining Settlements with Development Boundaries

HP14 – Sustainable Housing

RL6 – Rights of Way and Access to the Countryside

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC11 – Non mains Sewage Treatment

DC13 – Surface Water Drainage

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

This application site lies near to the settlement boundary of Middletown (approximately 40 metres) which is classified in the Powys Unitary Development Plan 2010 as a large village. The proposal is for a single open market dwelling and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

The site has a previous approval for an affordable dwelling which has been implemented to foundation level. However, the proposed occupant has been unable to secure funding from a lender for the affordable dwelling due to the property being restricted to an affordable dwelling with a section 106 restriction attached. This full application seeks consent for an open market dwelling to enable the applicant to be able to secure funding for the self-build project.

### Housing Land Supply

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

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

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

### Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Middletown is defined in the UDP as a large village with four allocated sites, two of which have been completed and one of which has the benefit of planning consent. The final allocated site (M175 HA4 land west of Golfa Close) currently has an outline application pending at the time of writing this report for upto nine dwellings. The settlement itself has a village hall, public house, church, garage/car sales and bus stop.

Middletown is located approximately 6.4 miles south west of the area centre of Welshpool which has a wide range of key services and facilities. Welshpool is readily accessible via public transport from bus stops a short walking distance from the site. The proposed location is considered to be sustainable for the scale of development proposed.

### Scale, Design and Appearance

UDP policies GP1 and GP3 seek to ensure that development proposals complement and where possible, enhance the character and appearance of existing buildings and the surrounding area by reasons of scale, siting, design, mass and materials used.

The submitted plans illustrate the scale, mass, siting and design of the proposed dwelling. The proposed dwelling is to have a gross internal habitable floorspace of approximately 130sq meters with a height to the eaves of 5 meters and a height to the ridge of 7.4 meters. The dwelling is to be set down into the sloping field and will have an access road to the rear of the proposed property to an existing outbuilding. A pitched roof is proposed with a covered balcony to the south elevation access from the master bedroom, with a Juliet balcony to bedroom 2. The details as submitted within the design and access statement suggest that the dwelling is to be constructed of red brick with the roof to be clad in tiles and windows to be white upvc. It is considered that further details should be secured via condition.

This application also provides three car parking spaces, adequate turning space and also a single storey double garage. The proposed garage is to measure 7.4 meters in width and 5.3 meters in length (measured externally). The garage is to have a height to the eaves of 2.5 meters and 5 meters in height to the ridge. Materials indicated on the plan include timber windows, doors and garage doors with a tiled roof and steel rainwater goods. The garages main construction is to be of brick.

In light of the above, the overall scale, design, layout and appearance of the proposed dwelling is considered to be acceptable subject to conditions to secure further details of materials to be used in its construction. The submitted landscaping information is considered to be acceptable. Despite this, the proposed development is considered to fundamentally comply with policies GP1 and GP4 of the Powys Unitary Development Plan 2010.

### Landscape Impact

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

The proposed siting of the dwelling is in a prominent location and visible from the wider landscape and settlement of Middletown itself. The dwelling is located between two existing dwellings and is on the site of a previously approved affordable dwelling which has been part implemented. The proposed dwelling is designed in manner that is considered to be sympathetic to the character and appearance of the surrounding buildings and area whilst enhancing the appearance of the existing site. On balance, it is considered that the replacement of the existing building with the proposed dwelling will represent and improvement on the visual appearance of the area and of the surrounding landscape.

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

### Highways Safety and Movement

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

As part of this application process the highways authority have been consulted and have raised no objections to the proposal and no conditions have been suggested due to the development being off a private road. Officers are satisfied that the proposed development is considered to have an acceptable access.

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

### Public Rights of Way

The proposed site is located directly adjacent to two public rights of way footpaths (250/8/1 and 250/5/1). The proposed development will not directly affect the route of the existing public rights of way. Officers consider that the proposed development fundamentally complies with policies RL6 and TR2 of the Powys Unitary Development Plan 2010.

### Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

As part of this application process the council's Environmental Health Officers have been consulted who have raised no objection to the scheme as it is to be served by an existing package treatment plant and will discharge to the watercourse. Severn Trent have also been consulted and have raised no objection to the proposal.

Officers consider that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

### Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions. It is considered that it is not appropriate to include the suggested conditions relating to landscaping and tree and hedgerow protection as details of the landscaping for the site previously approved under P/2016/1063 have been included as part of this application as shown on plan no. Q035.1.3.203. However, it is considered reasonable to include the suggested condition with regards to a lighting scheme for the site due to the natural features in the area.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

### Scheduled Ancient Monument

The proposed dwelling is approximately 550 metres south west of the scheduled ancient monument known as Cefn Y Castell (MG007). As part of this application process CADW have been consulted due to the proximity of the application site to the monument. No objections have been received from CADW in response stating that the proposed development would only be visible from the south west periphery of the monument and that against the backdrop of the other residential properties below would have a negligible effect upon the setting of the Scheduled Ancient Monument.

In light of the above, it is considered that the proposed development fundamentally complies with policy ENV17 of the Powys Unitary Development Plan 2010.

### **Other Legislative Concerns**

#### 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.

In the 2011 census the Trewern Ward reported 14% of the population spoke Welsh. This is an increase from the 2001 census which stated that 2.4% of the population of Trewern spoke Welsh. Officers consider that the development of a single dwelling in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

#### Wellbeing of Future Generations (Wales) Act 2015

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

#### **RECOMMENDATION**

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

#### Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as received on 18th August 2017 (drawing no's: Q035.1.3.200, Q035.1.3.201, Q035.1.3.203, Q035.1.3.204, Q035.1.3.205, Q035.1.3.206, Q035.1.3.207, Q035 1.3.27 REV C).
3. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
4. Prior to the construction of the dwelling and garage hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling and garage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
4. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

### **Informative Notes**

#### PCC – Ecology

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

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

It is therefore an offence to:

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

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

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Case Officer: Bryn Pryce- Planning Officer  
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