

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0620	Grid Ref:	318438.86 247398.05
Community Council:	Painscastle	Valid Date:	Officer: 05/06/2017 Kevin Straw
Applicant:	Mr & Mrs Richard & Kym Hicks-Williams, Colburn, 86 Forest Drive, Catterick, Garrison, North Yorkshire, DL9 4UT.		
Location:	Land adjacent to Moorhays, Rhosgoch, Builth Wells, Powys, LD2 3JY.		
Proposal:	Full: Erection of 2 detached dwellings, formation of new access and parking, landscaping, and all other associated works.		
Application Type:	Application for Full Planning Permission.		

The reason for Committee determination

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

Site Location and Description

The site is indicated to cover an area of 0.293 hectares and is located to the south-west of Rhosgoch. The site lies approximately 200 metres outside of the development boundary of Rhosgoch, as indicated in Inset Map R86 of the Powys UDP.

The site is currently open agricultural grassland and is situated adjacent to the B4594. The former Rhosgoch school site is located northwards, across the B classed road and the site is adjacent to existing residential dwellings to the immediate east. To the south and west there is further open agricultural grassland.

Consent is sought in full for the erection of two detached dwellings, the formation of a new access and parking, landscaping and all other associated works.

The dwelling proposed to the east of the site, closest to the existing dwelling of Moorhays, is to be two storeys and measures approximately 13 metres in length, 6.1 metres in width and reaches a height of approximately 8.4 metres to ridge. The dwelling is to be finished with a combination of external stone work, render and timber cladding, finished with a slated roof. Windows and doors are to be provided in an aluminium/timber hybrid material.

The second dwelling, to the west of the proposed site is single storey and is to be configured in a large 'T' shape; this dwelling measures approximately 22.5 metres in overall length, 10.6 metres in width and reaches a height of approximately 5.8 metres to ridge. The dwelling is to be finished with a combination of external stone work, render and timber cladding, finished with a slated roof. Windows and doors are to be provided in an aluminium/timber hybrid

material. The hall link section of the proposed dwelling will be predominantly glazed and finished with a single ply membrane with metal flashings roof.

Consultee Response

Painscastle Community Council

Application number P/2017/0620. Erection of 2 dwellings with new access, parking, landscaping and all other associated works.

Painscastle Community Council note that the site of the proposed dwellings is outside the structure plan for Rhosgoch under the old UDP. They will comment further when the new LDP structure plan is adopted.

PCC Highways

The County Council as Highway Authority for the County Class II Highway, B4594; wish the following recommendations/Observations be applied:

Recommendations/Observations

The Highway Authority recommends that the following conditions be attached to any consent granted.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in a westerly direction and 85 metres distant in an easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling 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.

HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

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

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

PCC Building Control

P/2017/0620 – Building Regulations approval will be required for this proposal.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of

drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC Environmental Health

Comments received on 03/07/2017:

Re this application, can you confirm that the porosity test holes remain open for inspection please and if so is it ok for us to visit when passing or does the applicant require notice.

On another issue, I note that the drainage field will be located outside the application site boundary, is this acceptable as if the field were to be sold on in future may cause issues, what are your thoughts on this please

Additional comments received on 18/08/2017:

Kevin Bray the Environmental Health Officer assigned the above referenced planning application. I can confirm I emailed Kevin on Wed 19/07/2017 having done a site visit. I confirmed to him that everything was ok with the test holes. I have included him in this email so he can respond on his return to work on Monday 21/08/17. I apologies for the delay.

Additional comments received on 29/08/2017:

As everything seems ok following Simon's visit I have no further comments to make other than the drainage system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

PCC Ecologist

Comments received on 01/09/2017:

Thank you for consulting me with regards to planning application enquiry P/2017/0620 which concerns the full application for the erection of 2 dwellings, formation of new access and parking, landscaping and all other associated works on Land adjacent to Moorhays, Rhosgoch, Builth Wells.

I have reviewed the proposed plans, aerial images and site photographs of the proposed site and surrounding habitat of the development, as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 23 records of protected and priority species within 500m of the proposed development. The data search identified records of Great Crested Newts in the surrounding area (within 200m).

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

I note from aerial images that there are ponds located to the south of the proposed development site, the closest being approximately 220m from the site of the proposed development. Given the identification of great crested newt records in the surrounding areas and the proximity to the ponds it is considered that the proposed development has potential to impact great crested newts - in the loss of potential terrestrial habitat for this species or as the result of creation of a barrier to their dispersal to surrounding suitable habitat.

Given the proposed development will involve alterations to the surrounding habitat (removal of a section of hedgerow) consideration should be given to the potential of the site to be used as terrestrial habitat by Great Crested Newts which are a European protected species.

Therefore it is considered that there is insufficient information with regard to potential impacts to Great Crested Newts, a European protected species, to determine this application. Further information is required to be submitted prior to determination of the application.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Trees and Hedgerows

From the proposed plans it appears that a section of the hedgerow to the northern boundary is proposed to be removed as well as new hedgerow planting proposed for the 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.

If it is not proposed for the tree or hedgerows to be removed given the proximity of development to surrounding trees and hedgerows, it is considered prudent to require information as to how these features of biodiversity importance will be protected during the construction period of works.

However, where impacts to 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.

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. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information. A Wildlife Sensitive Lighting Plan could be secured through a planning condition, however as further information has been requested the provisions of

details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Additional comments received on 01/11/2017:

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2017/0620 which concerns the full application for the erection of 2 dwellings, formation of new access and parking, landscaping and all other associated works on Land adjacent to Moorhays, Rosgoch, Builth Wells.

The additional information has been submitted to address concerns raised by my colleague Ebonie Gethin-Thomas regarding insufficient information to assess potential impacts to great crested newts – European protected species.

Great crested newts had been identified as present in the local area – within 300m of the proposed development, following discussions with NRW it was agreed that a Reasonable Avoidance Method Statement should be provided to demonstrate that the proposed development would be undertaken in a manner that would not result in negative impacts to the local great crested newt population and to maintain the favourable conservation status of great crested newts in the local area.

A Reasonable Avoidance Method Statement In Respect Of Great Crested Newts Report produced by Celtic Energy dated October 2017 has been submitted to inform the application. I have reviewed the measures proposed and consider that they are in line with current guidelines, subject to adherence to the identified measures it is considered that the proposed development would not result in negative impacts to the local great crested newt population, in addition it has been identified that a new pond will be created in the south west corner of the field in which the proposed development is located – the provision of this pond will provide additional biodiversity benefit for great crested newts in the local area and other species. I recommend that adherence to the Method Statement is secured through an appropriately worded condition.

The submitted RAMS also include a Hedgerow Translocation Method Statement, having reviewed the proposed methodology it is considered that the method statement for the translocation and subsequent aftercare of the translocated hedgerow is appropriate. I recommend that implementation of this Method Statement is secured through an appropriately worded condition.

In the previous consultation response it was noted that careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. Whilst a brief statement has been made regarding lighting in the RAMs document, I recommend that a lighting condition is still included to ensure lighting design for the site is appropriate and would not negatively impact biodiversity in the local area.

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

The development shall be carried out strictly in accordance with the measures identified in Sections 2.1 – 2.7 of the Reasonable Avoidance Method Statement In Respect Of Great

Crested Newts Report produced by Celtic Energy dated October 2017. The identified measures shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

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

Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 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.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following Informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore 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.

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.

PCC Land Drainage

The Lead Local Flood Authority would make the following comments on the application:

- No contours should be altered within designated C2 Flood Zone without prior permission from the Planning Authority
- No proposed surface water drainage details or layout drawing(s) have been submitted.
- The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.
- These interim non statutory national standards and guidance can be downloaded from
The Welsh Government's website at

<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

- The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.
- Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

Reason: To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

- If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

With regard to access during flooding, as NRW state in their letter (attached) they recommend contacting PCC Emergency Planning for any comments.

I hope the above is helpful but should you have any further queries then please do not hesitate to contact me.

NRW

Comments received on 25/09/2017:

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 30/08/2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 Flood Risk – Built development is located outside the DAM Zone C2 to ensure the houses remain flood free for the lifetime of the development.

Flood Risk

The application site is in the vicinity of zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our flood map information.

The proposal is near the C2 Floodzone. To ensure that the built development will remain flood free for the lifetime of the development, and that no increase in flood risk is caused elsewhere due to displacement, we advise that the following condition will be appropriate:

Condition 1 Flood Risk – Built development is located outside the DAM Zone C2 to ensure the houses remain flood free for the lifetime of the development.

We note that the access track to the B4594 and part of the garden is located within flood zone C2. Your Authority should discuss matters of flood access and egress during a flood event with your Emergency Planning Team. The 'tolerable limits' as set out in table A1.15 of TAN15 should be taken into consideration.

The letter from Welsh Government to all Chief Planning Officers (<http://gov.wales/topics/planning/policy/dear-cpo-letters/flood-risk-and-insurancechanges/?lang=en>) and supporting summary document, clearly state that escape/evacuation routes should be "operational under all conditions" and this requirement should be a material consideration in the determination of this planning application.

Please be advised that Natural Resources Wales is not the appropriate body to advise on the appropriateness of flood evacuation measures or the safe access/egress aspect of a development proposal.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional comments received on 21/11/2017:

Thank you for sending through the amended plans for the plots at Land adj. to Moorhays, Rhosgoch.

Our previous response is still valid. The development has been re-arranged to place the buildings and parking areas outside of the DAM Zone C2 as shown in the submitted plan (99591.P102B).

PCC Emergency Planning

Introduction

01. Notification of the above planning application was received by the Emergency Planning Dept on 27 Oct 2017. On checking the documentation submitted on the Powys County Council (PCC) Planning Portal the Emergency Planning Dept would like to make a number of 'Generic' Observations (applicable to all sites) regarding access and evacuation at sites considered to be at risk of flood and 'Specific' Observations applicable to this site.

02. Information on the registration process for Flood Warning Direct and the completion of Community and Personal Flood Plans is also listed.

03. The PCC Emergency Planning Dept (together with other professional partners including Natural Resources Wales (NRW) and the Emergency Services) are always available to provide advice and guidance on Site or Property Flood Plans (i.e. Personal or Community Flood Management Plans) but will not 'Rubber Stamp' or 'Sanction' these plans, as this is the legal responsibility of the Site / Property Owner and not the Local Authority.

Generic Observations

04. The following Generic Observations are made:

a. PCC Works with partners within the Dyfed Powys Local Resilience Forum, who has very robust contingency plans in place including Severe Weather, Evacuation & Shelter, and Humanitarian Assistance.

b. Whilst PCC is a Category 1 (Main) Responder (Civil Contingencies Act 2004 refers) the Authority acts in support of the Emergency Services and responds to their requests. PCC has no legal authority to instruct or advise people to evacuate their property.

c. The Police coordinate the emergency response and not the Local Authority.

d. During a severe weather incident (including flooding) PCC will concentrate its efforts in supporting those individuals who are unable to protect their properties (i.e. vulnerable clients, the elderly and infirm). Able bodied house / building owners are expected to make prior arrangements to protect their properties, including the purchase of commercially available flood defence products. Whilst sandbags (and ballast) will be provided by PCC where possible, the Authority may request that (able bodied) individuals collect these from local Highways Depots.

Flood Warning Direct (FWD) Messages

05. Property holders who believe that their properties are likely to flood should register for free NRW 'Flood Warning Direct' messages. Further information on this and registration details can be found on the NRW website at the following link:

<https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

06. Please note that the (UK) Environment Agency provides FWD services to customers in Wales on behalf of NRW.

07. During heavy and persistent rainfall individuals should remain alert and not be fully reliant on the above warnings. Where safe to do so they should pro-actively monitor river and stream levels in their immediate area and take appropriate action (including evacuation).

Community & Personal Flood Plans

08. Any Community or private individual that believes they are at risk of flood are strongly encouraged to complete a 'Community Flood Plan' or 'Personal Flood Plan' and templates and guidance instructions can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/community-flood-plan-template>

<https://www.gov.uk/government/publications/personal-flood-plan>

Specific Observations

09. The following Specific Observations are made:

a. Evacuation from a property is not always the best option and could endanger the occupants. It is sometimes (dependant on predicted flood depths) safer to move to a higher floor within a building (this proposed development is two storey) and wait for the floodwater to dissipate. This decision should be made after a Dynamic Risk Assessment has been undertaken. This information should be included within any Flood Warning and Evacuation Plan produced.

b. As no Flood Evacuation Plan has been lodged in the PCC Planning Portal, it must therefore be assumed that this was not a requirement of the Planning Application.

10. As always please contact me, or one of my Emergency Planning Officer colleagues, should you have any queries about the above.

CADW

Thank you for your letter of 8 June 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. 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

About 380m to the east south east of the proposed development scheduled monument RD144 Lane Farm Round Barrow is located on a local rise in the landscape. The development will be visible from the barrow, though views are currently restricted by a strip of plantation trees which encompasses it. As the two proposed dwellings, as viewed from the barrow, would lie immediately in front of a cluster of other residential buildings and adjacent to a primary school, overall change to the setting of the barrow will be minimal.

Public Representations

Following display of a site notice on 20/06/2017 there have been two public representations received in objection to the proposed development. In summation the comments related to;

- A number of permissions for pending housing in Rhosgoch already.
- Roads are narrow in places.
- No infrastructure – medical facilities, buses, shops, pubs and mobile phone signal.
- Site is situated on green fields.
- Ample building land within the development area.
- An imbalance of building type – need for affordable housing for first time buyers.
- Houses of a similar type already for sale in the area.

Planning History

None.

Principal Planning Constraints

Flood Zone 2,3
pipeline buffer

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 2 - Planning and Affordable Housing (2006)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 15 - Development in Flood Risk Areas (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)
Technical Advice Note 24 – The Historic Environment

Local Planning Policies

- Unitary Development Plan (March 2010)

SP2 - Strategic Settlement Hierarchy
SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities
SP14 - Development in Flood Risk Areas
GP1 - Development Control
GP2 – Planning Obligations
GP3 - Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
CS3 – Additional Demand for Community Facilities
T2 - Traffic Management
DC8 – Public Water Supply
DC9 – Protection of Water Resources

DC11 – Non-Mains Sewerage Treatment
DC13 - Surface Water Drainage
DC14 - Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (2004)

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

The site lies wholly outside of the settlement development boundary of Rhosgoch, as defined by the Powys Unitary Development Plan (2010), Inset Map R86. 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 as a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that 'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply 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”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

Sustainability

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

Rhosgoch is defined as a small village in the UDP; as such the range of facilities available within the settlement is limited. A church and golf course (with restaurant) are situated within close proximity, as well as a defined area of amenity space within the centre of the village. The local road network links to the nearby settlement of Painscastle, approximately 1 mile to the south-west. The larger settlements of Clyro and Hay-on-Wye are accessible to the south-east via the local road network, where additional facilities can be found.

It is noted that Rhosgoch supports a number of existing dwellings, several of which are in close proximity to this application site, outside of the settlement development area; in light of this, on balance, it is considered that the site is located within a sustainable location.

Design and layout

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

It is considered that the layout of the proposed site is acceptable and is clearly shown to be able to accommodate two dwellings, whilst allowing the proposed landscaping to establish appropriate levels of privacy and screening, not only to each dwelling but also to the neighbouring residential dwelling to the east of the site.

The design of the dwellings, whilst in part-contemporary has been considered to incorporate a slight ‘agricultural’ style and as stated within the submission seeks to offer a contemporary rural vernacular. The use of materials as indicated are considered acceptable in this setting and are also considered to assist in assimilating the new dwellings into the edge of settlement location they would take-up.

In light of the above it is considered that the proposed design and layout of the two dwellings complies with relevant planning policy.

Landscape and Visual Impact

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

Even though the site is outside of the settlement boundary it is adjacent to existing dwellings and as such is considered to be positioned at a location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change.

In terms of landscaping the proposed plans include provision of new indigenous hedges at the east, south and west boundaries with an additional hedge dividing the two plots within the site. There is the requirement to remove a short section of established hedge at road side to accommodate vehicular access; however taking the provision of hedge into consideration it is clear that there will be a net overall gain in hedgerow provision at the site.

Comments from the PCC Ecologist noted that a section of the hedgerow to the northern boundary is proposed to be removed as well as new hedgerow planting proposed for the development site. The officer stated that 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 seek to conserve native woodlands, trees and hedgerows. Policy ENV6 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".

Where impacts to 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.

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

Highway Safety

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

The proposed development will be accessed from the B4594.

Officers from PCC highways have considered the proposed development and have raised no concerns. The officer did however recommend the provision of a series of conditions to be included with any consent given.

In light of the above and subject to the inclusion of the recommended conditions it is considered that the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

It is considered that the proposed development will have minimal adverse impacts upon amenities of nearby dwellings in terms of impacts upon loss of privacy or potential impacts upon loss of daylight. The closest neighbouring dwelling, Moorhays is located approximately 26 metres to the east. The closest proposed dwelling does not have any windows on its gable end which could be considered to afford views to the dwelling known as Moorhays. The two proposed dwellings are to be located approximately 8.6 metres apart and again do not front each other along the principle elevations and again are to be screened in part by a proposed hedgerow.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Foul Drainage

PCC Environmental Health and Welsh Water have provided comments in relation to foul drainage at the site.

Welsh Water indicated that as the applicant intends utilising a private treatment works they would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. This will be included as an informative with any decision notice issued.

PCC Environmental Health commented in relation to the porosity test holes and they confirmed that they were able to inspect them adequately and that they were acceptable. Officers confirmed that the drainage system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system. As such this will be included as an informative with any decision notice issued.

Flood Zone

Comments have been received from NRW and PCC Land Drainage in this regard.

NRW noted that the application site is in the vicinity of zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). In an effort to ensure that the built development will remain flood free for the lifetime of the development, and that no increase in flood risk is caused elsewhere due to

displacement, NRW advise that the inclusion of a suitably worded condition would be appropriate. In this instance and following receipt of additional plans which highlight all built form being located outside of the C2 floodzone it is considered that the recommended condition would not be considered to be appropriate or necessary in light of the amended plans.

NRW also noted that the access road of the B4594 and part of the garden area is located within flood zone C2. NRW officers recommended that a discussion with the PCC Emergency Planning Team take place to discuss matters of flood access and egress during a flood event. They indicated that 'tolerable limits' as set out in table A1.15 of TAN15 should be taken into consideration. As such contact was made with officers within Emergency Planning where a number of observations were made. The comments received covered a number of generic observations in respect of emergency planning as well as more specific advice to cover potential flood events. Information provided by the officers will be included as an informative with any decision notice issued.

PCC Land Drainage officers commented by indicating that no contours should be altered within designated C2 Flood Zone without prior permission from the Planning Authority.

The officer noted that the Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

The officer therefore recommended that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

The officer noted that no proposed surface water drainage details have been submitted and as such they would require the inclusion of a suitably worded condition to ensure that this element is given due regard and that proposed systems are compliant with established requirements.

The officer also raised awareness in relation to potential non-permeable surfacing being used within the site and as such recommended the inclusion of a further condition to safeguard against any potential adverse impacts in this regard.

In light of the above and subject to the inclusion of the recommended conditions and informative it is considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

The PCC Ecologist provided comments in regard to the details as submitted.

The Officer reviewed the proposed plans, aerial images and site photographs of the proposed site and surrounding habitat of the development, as well as local records of

protected and priority species and designated sites within 500m of the proposed development. The data search identified 23 records of protected and priority species within 500m of the proposed development. The data search identified records of great crested newts in the surrounding area (within 200m). The Officer noted that there are no statutory or non-statutory designated sites present within 500m of the proposed development.

The officer noted from the aerial images that there are ponds located to the south of the proposed development site, the closest being approximately 220m from the site of the proposed development. Given the identification of great crested newt records in the surrounding areas and the proximity to the ponds it was considered that the proposed development had potential to impact great crested newts, via the loss of potential terrestrial habitat for this species or as the result of creation of a barrier to their dispersal to surrounding suitable habitat.

The Officer went on to state that given the proposed development will involve alterations to the surrounding habitat via the removal of a section of hedgerow, consideration should be given to the potential of the site to be used as terrestrial habitat by great crested newts which are a European protected species. The Officer considered therefore that there is insufficient information with regard to potential impacts to great crested newts, a European protected species, to determine this application. Further information was requested to be submitted prior to determination of the application.

Following the provision of additional information PCC ecology were able to provide further comments.

The Officer indicated that a Reasonable Avoidance Method Statement (RAMS) in respect of Great Crested Newts Report produced by Celtic Energy dated October 2017 had been submitted for further consideration. The Officer confirmed that they had reviewed the measures proposed and considered that they were in line with current guidelines, subject to adherence to the identified measures it was considered that the proposed development would not result in negative impacts to the local great crested newt population.

In addition, the Officer identified that a new pond will be created in the south west corner of the field in which the proposed development is located; the Officer considered that the provision of this pond will provide additional biodiversity benefit for great crested newts in the local area and other species. The officer recommended that adherence to the Method Statement is secured through an appropriately worded condition.

The Officer also noted that the submitted RAMS also included a Hedgerow Translocation Method Statement; having reviewed the proposed methodology the officer considered that the method statement for the translocation and subsequent aftercare of the translocated hedgerow is appropriate. The officer recommend that implementation of this Method Statement is secured through an appropriately worded condition.

The officer also noted that in the previous consultation response it was indicated that careful consideration would need to be given to any external lighting of the proposed development. Whilst a brief statement has been made regarding lighting in the RAMs document, the officer recommended that a lighting condition still be included to ensure lighting design for the site is appropriate and would not negatively impact biodiversity in the local area.

In light of the above and subject to the inclusion of the recommended conditions it is considered that the proposed development fundamentally complies with relevant planning policy.

CADW

Officers from CADW noted that approximately 380m to the south east of the proposed development scheduled monument RD144 Lane Farm Round Barrow is located on a local rise in the landscape. The officer noted that the development will be visible from the barrow; however any views are currently restricted by a strip of plantation trees which encompasses it. The officer went on to state that the two proposed dwellings, as viewed from the barrow, would lie immediately in front of a cluster of other residential buildings and adjacent to a primary school (now closed), therefore overall change to the setting of the barrow will be minimal.

In light of this the officer raised no objections to the impact of the proposed development; and as such it is considered that the proposed development fundamentally complies with relevant planning policy.

Public Representations

It is considered that a number of the concerns raised in objection by the public representations have been addressed through the body of this report, however it is noted that the following points still require appropriate consideration and comment.

With regard to pending housing within the local area, further information is in the process of being prepared and will be reported via an update report.

The condition and nature of local highways are a factor for the PCC Highways Authority to take into consideration with any planning application. In this case the officer has made representation and offered no concerns in this regard.

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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Rhosgoch is not identified as being one of those settlements under GP5.

From the 2011 census for the Painscastle community area the percentage of those with some knowledge of Welsh was indicated to be 12.35%, this is in contrast to the 2001 census data which indicated that 9.5% of the population were Welsh speakers.

Given the scale of the proposed development it is considered that the proposal will not have an unacceptable adverse impact upon Welsh language and culture.

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.

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, on balance, 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 approved on XXXXXX (drawing no's: 99591.P11, 99591.P21A, 99591.P100C, 99591.P101C, 99591.P102B and 99591.P110A).
3. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in a westerly direction and 85 metres distant in an easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
7. 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling 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.
9. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles

serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

12. Upon formation of the visibility splays as detailed in Condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

14. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

15. If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

16. Notwithstanding the provisions of Article 3 and Part 1 of the second Schedule to the Town and Country Planning (General Permitted Development) (Amendment) (Wales) 2013, (or any Order revoking and re-enacting that Order), no development as specified in Part 1, Classes A,B,C,D and E within the curtilage of the unit hereby approved shall be carried out without planning permission.

17. The development shall be carried out strictly in accordance with the measures identified in Sections 2.1 – 2.7 of the Reasonable Avoidance Method Statement In Respect Of Great Crested Newts Report produced by Celtic Energy dated October 2017. The identified measures shall be adhered to and implemented in full.

18. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

19. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The 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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.
15. To ensure that no surface water runoff from the new driveway runs onto the highway.
16. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

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

18. To comply with Powys County Council's UDP Policies SP3 and ENV2 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.

19. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

NRW

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Foul Drainage

The drainage system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore 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.

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 a 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.

Emergency planning

Flood Warning Direct (FWD) Messages

Property holders who believe that their properties are likely to flood should register for free NRW 'Flood Warning Direct' messages. Further information on this and registration details can be found on the NRW website at the following link:

<https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

Please note that the (UK) Environment Agency provides FWD services to customers in Wales on behalf of NRW.

During heavy and persistent rainfall individuals should remain alert and not be fully reliant on the above warnings. Where safe to do so they should pro-actively monitor river and stream levels in their immediate area and take appropriate action (including evacuation).

Community & Personal Flood Plans

Any Community or private individual that believes they are at risk of flood are strongly encouraged to complete a 'Community Flood Plan' or 'Personal Flood Plan' and templates and guidance instructions can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/community-flood-plan-template>

<https://www.gov.uk/government/publications/personal-flood-plan>

Specific Observations

The following Specific Observations are made:

a. Evacuation from a property is not always the best option and could endanger the occupants. It is sometimes (dependant on predicted flood depths) safer to move to a higher floor within a building and wait for the floodwater to dissipate. This decision should be made after a Dynamic Risk Assessment has been undertaken. This information should be included within any Flood Warning and Evacuation Plan produced.

Case Officer: Kevin Straw - Planning Officer

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