

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application No:** P/2017/1250 **Grid Ref:** 323045.79 320594.62

**Community Council:** Llansantffraid **Valid Date:** 30/10/2017 **Officer:** Eddie Hrustanovic

**Applicant:** Mrs B A Edwards, Lower Trewylan Farm, Llansantffraid, SY22 6TH

**Location:** Land adjoining Cranford, Llansantffraid, Powys, SY22 6AX.

**Proposal:** Outline application (with some matters reserved) for residential development for up to 9 dwellings with 7 no. garages, formation of vehicular access and all associated works

**Application Type:** Application for Outline Planning Permission

### The reason for Committee determination

The proposed development constitutes a departure from the development plan.

### Site Location and Description

The site subject to this application is located within the open countryside however adjoins the settlement development boundary of Llansantffraid-ym-Mechain, defined as a key settlement within the Powys UDP.

The site is located to the east of the existing development boundary and existing residential dwellings. The site is bound to the east, south and west by agricultural land. Located to the north is agricultural land which benefits from outline planning permission for residential development (P/2017/0363) and beyond the public highway (A495).

Consent is sought in outline, with all matters apart from access reserved for future consideration, for the construction of up to 9 dwellings, including a provision of a two affordable dwellings (7 open market + 2 affordable units). The scheme will utilise the site access approved under P/2017/0363 and estate road.

### Consultee Response

#### Llansantffraid and Deytheur Community Council

At a recent meeting of the above council, planning application P/2017/1250, land adjacent to Cranford, was discussed and the council is NOT in favour of supporting it. The reasons being:-

The entrance is in a very dangerous spot and not all the splay is owned by the applicant.

The junction opposite by Three Chimneys would have to be altered as this too is a very dangerous junction and for vehicles to turn right out of the junction they turn left and then turn around in the lay by as visibility is so limited.

The proposed development land is not within the LDP boundary.

How many of the houses would be for Local Need?

Is there any money from the developer for the infrastructure of the village – the school and recreational facilities?

I trust that you will address the above issues.

#### Highway Authority

The County Council as Highway Authority for the County Class I Highway, A495

Wish the following recommendations/Observations be applied

#### Recommendations/Observations

- HC1 Any entrance gates to the field access to the east shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
- HC1a Prior to the occupation of any dwellings any entrance gates 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.
- HC4 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 43 metres distant in a south westerly direction and 115 metres in a north 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 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- HC9 Prior to the occupation of any of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
- HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
- HC11 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 0.4 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 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
- HC13 Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
- HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
- HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
- HC28 Surface levels of the estate road are to fall away from the carriageway of the county highway at a minimum gradient of 1 in 30 for a distance of 10 metres from the edge of the adjoining class I highway and shall be retained at this gradient for as long as the development hereby permitted 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.
- HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

- HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.
- HC34 Prior to the commencement of the development full engineering drawings for the construction of the new footway and widening of the existing footway to 2 metres along the A495 and associated drainage to include detailed cross sections through the structure and the adjacent highway shall be submitted and approved in writing by the Local Planning Authority. The works hereby approved shall be fully completed to the written satisfaction of the Local Planning Authority prior to the occupation of any dwelling.

In the interests of highway safety.

#### Welsh Government - Transport

I refer to your consultation of 06/11/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

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

#### Building Control

Building Regulations application required.

#### Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 06.11.2017, advising us of the proposals for:

Cranford, LLANSANTFFRAID, Powys, SY22 6AX

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.

#### Seven Trent Water

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

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

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

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

#### Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, , <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> select "Water and / or Sewer map request form" fill out the relevant details and fee payment and return to:

Severn Trent Water, Asset Data Management,  
GISmapping Team, PO Box 5344, Coventry, CV3 9FT  
Fax: 02477 715862  
e-mail: [GISmapping@severntrent.co.uk](mailto:GISmapping@severntrent.co.uk)

Any correspondence and diversion applications are to be submitted through New Connections, the relevant form can be found on the Severn Trent website at <https://www.stwater.co.uk/building-and-developing/other-developments/diversions/> Please click on download water diversion application form and complete the form as fully as possible.

Information on diversion application charges can be found <https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance> in "Our Charges" - Developer Charges 2015-2016 in Section 5.

Please attach all the relevant documentation and relevant fee and return the form to:

Severn Trent Water Ltd  
PO Box 5311  
Coventry  
CV3 9FL  
Telephone: 0800 707 6600  
Email: [new.connections@severntrent.co.uk](mailto:new.connections@severntrent.co.uk)

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.

## Environmental Health

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. I would recommend the following condition for the protection of amenity during the construction phase of the project:

*All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:*

- 0800 – 1800 hrs Monday to Friday
- 0800 – 1300 hrs Saturday
- At no time on Sundays and Bank Holidays

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

## Affordable Housing

Thank you for your correspondence regarding this application.

We seek provision of affordable housing on residential development sites in accordance with the Affordable Housing Topic Paper September 2016, and the following guidelines to be adhered to:

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

## Powys Ecologist

*Correspondence received 18<sup>th</sup> December 2017 –*

Ecological Topic		Observations
Comments on Additional Information		I previously provided comments on this application on 06/12/17. Since then, a Badger survey of the site and suitable habitat within 50m has been completed by Turnstone Ecology and the results summarised in an email dated 15/12/17. Additional comments regarding this are provided in bold type below, otherwise my previous comments remain valid.
EIA Screening Opinion needed?	No	The site area is understood to be 0.41 hectares and includes up to 9 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?	No	<b>These observations are based on an email dated 15/12/17 summarising the results of a Badger Survey by Turnstone Ecology, an interpretation of available aerial and street imagery, the submitted plans and planning statement and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</b>  The proposal appears to be located in the centre of an improved agricultural field used for

		grazing. Phase 1 of the development is immediately adjacent to the north and has been dealt with previously by planning application reference: P/2017/0363. There does not appear to be any requirement for additional hedgerow or other habitat removal as part of this application. The existing hedgerow and small trees that border the western corner are indicated as being retained on the proposed block plan (ref: RPP/TWJOB12/2-03A). A line of trees borders the site to the south on what appears to be a southerly-facing slope above a river. New hedgerow and tree planting is proposed around the boundary of the new development. Foul drainage would connect to the existing main sewer.
Protected Species & Habitats <sup>1</sup>	European Species	<input checked="" type="checkbox"/> <p>Historic records of European protected species from within 1km of the site are sparse, but there are records of unknown bat species (within 833m), myotis bat species and Soprano Pipistrelle (within 498m), Lesser Horseshoe bat (within 321m), Noctule bat (within 992m) and Otter (within 244m). There are Great Crested Newt records from just over 1km away.</p> <p>A mature tree located to the south of the site could provide suitable habitat for a bat roost, but would appear to be located outside of the development boundary. Due to its potential to provide bat roosting habitat this tree and its root structure, as well as the trees and their root structures within the western boundary hedgerow to be retained within the site, should be protected from damage in accordance with BS5837:2012.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the trees to the south-east of the site for foraging/roosting.</p> <p>There is very little hedgerow that could provide bat foraging and commuting habitat surrounding the site and none would be lost to the development. The site does not appear to be suitable for otter and adverse impacts on this species appear unlikely. The nearest pond appears to be located approximately 250m north-west, on the opposite side of the A495. In combination with the lack of apparent suitable habitat at the site, impacts on Great Crested Newt are considered</p>

		unlikely.
UK Species	<input checked="" type="checkbox"/>	<p>There are nine historic records of badgers within 1km of the site (closest within 154m) and records of nesting bird species from the vicinity of the site; the short length of boundary hedgerow and trees to the north-west offer potential nesting habitat for a variety of bird species.</p> <p>Vegetation clearance would appear to be minimal, if required at all. However, I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The site itself does not appear suitable to support badger setts, but the line of trees to the south could support setts and the south-eastern part of the proposals is located within 30m of these trees and there are historic records from the vicinity. As excavations associated with the proposals could affect badgers and their setts should they be present within 30m, I recommended that a survey for badgers be completed prior to determination of the application.</p> <p><b>A Badger Survey completed by Turnstone Ecology on 14/12/17 found no evidence of Badgers at the site. The open grassland that dominates the site was considered unlikely to be suitable for Badger setts but the field margins and in particular the steep wooded bank to the south of site were considered suitable locations for setts. The grassland and habitats adjacent to site were also considered suitable for foraging Badger.</b></p> <p><b>Although no evidence of Badger was found during the survey, it was concluded that there is suitable habitat for Badgers to dig setts within 30m of the proposed groundworks. It is therefore recommended by Turnstone Ecology that a repeat check of the site and suitable habitat within 30m for setts is completed prior to the start of works.</b></p>

		<b>Should a Badger sett be identified within the site's zone of influence a licence to interfere with a Badger sett during development work is likely to be required from NRW and associated mitigation/compensation measures provided, prior to commencement of works.</b>
Section 7 Species & Habitats	<input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>There are historic records of Hedgehogs within 838m and hedgerows are a Section 7 Priority Habitat. I understand that the short section present within the west of the site is to be retained. I therefore recommend that this hedgerow, along with the trees within it, is protected during the construction phase in accordance with BS5837:2012.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p>No other Section 7 Species or Habitats are considered likely to be adversely affected due to the nature of the application site.</p>
LBAP Species & Habitats	<input checked="" type="checkbox"/>	See previous observations.
Protected Sites	International Sites (within 1km)	<input type="checkbox"/> There are no international nature conservation sites within 1km.
	National Sites (within 1km)	<input type="checkbox"/> There are no national nature conservation sites within 1km.



	Local Sites (within 500m) <input type="checkbox"/>	There are no local nature conservation sites within 1km.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.
Recommendations		<p>A mature tree located to the south of the site could provide suitable habitat for a bat roost, but would appear to be located outside of the development boundary. Due to its potential to provide bat roosting habitat this tree and its root structure, as well as the trees and their root structures within the western boundary hedgerow to be retained within the site, should be protected from damage in accordance with BS5837:2012 during the works.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p><b>A repeat check of the site and suitable habitat within 30m for Badger setts should be completed prior to the start of works. Should a Badger sett be identified within the site's zone of influence a licence to interfere with a Badger sett during development work is likely to be required from NRW and associated mitigation/compensation measures provided, prior to commencement of works.</b></p>

Further information required prior to determination of application	I am satisfied that sufficient information has now been provided to enable the application to be determined.
Recommended Conditions	<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p><b><i>A repeat check of the site and suitable habitat within 30m for Badger setts shall be completed by an appropriately-experienced ecologist prior to the commencement of works, and the recommendations of the ecologist followed if Badger setts are recorded within 30m of the site.</i></b></p> <p><b><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 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 the Environment (Wales) Act 2016.</b></p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><b><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</b></p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><b><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act</b></p>

	<p>2016.</p> <p><i>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><b>Reason:</b> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><b>Birds - Wildlife and Countryside Act 1981 (as amended)</b></p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> <li>• intentionally kill, injure or take any wild bird</li> <li>• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built</li> <li>• intentionally take or destroy the egg of any wild bird</li> <li>• 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.</li> </ul> <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
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Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage</p> <p>ENV 2: Safeguard the Landscape</p> <p>ENV 3: Safeguard Biodiversity and Natural Habitats</p> <p>ENV 6: Sites of Regional and Local Importance</p> <p>ENV 7: Protected Species</p>
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## CADW

### Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed. 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 application area is located some 106m southeast of the boundary of scheduled monument MG216 Roman Supply Depot, Llansantffraid ym Mechain. The monument comprises a roughly oval embanked enclosure, approximately 80m north-west to south-east by at least 100m, set on ground falling to the south-east. Trenching in 1987-8, and resistivity survey, showed that the enclosure was defined by two ditches. Although it is suggested that the site may be a Roman Supply Depot, no Roman material was recovered during the excavations, and it is possible that this is a later prehistoric settlement enclosure.

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

## Clwyd Powys Archaeological Trust

*Correspondence received 7<sup>th</sup> November 2017 –*

Thank you for the consultation relating to the above proposals.

Information retained within the Regional Historic Environment Record indicates that this application site lies within an area of potential archaeological sensitivity. The plot lies 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. 40 metres to the east there are some rectangular ditched enclosures recognized on 1984 aerial photography which remain undated, but could be related to the Roman military activity, or earlier field system

boundaries (PRN 3636 Bryn Vyrnwy Cropmarks). In addition the plot lies on a river terrace which would have been attractive to prehistoric seasonal and permanent activity and there may be unrecorded surface archaeology of this period here. A recent evaluation of the area immediately north of this site revealed a Bronze Age pit at the north end and there may be other Bronze Age activity in the new application area to the south.

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

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

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

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

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

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

*Correspondence received 8<sup>th</sup> January 2018 -*

Further to my email of 8/11/17 recommending a pre-determination archaeological evaluation I have now received an interim report. The final report will follow shortly after they have finished the investigation of 3 additional features as site works were delayed by the weather and the holidays. Combined with what I saw during my monitoring visits though it is possible to provide additional advice with a condition at this stage.

Four of the five trenches excavated have revealed significant remains of prehistoric period archaeology in this extension to the original development area applied for in application P/2017/0363. The remains include a Late Bronze Age burnt mound, which has been radiocarbon dated to 1211- 1020 BC, a large defended enclosure with a deep defensive ditch and additional stone, pit and linear features. All of these features will be directly impacted by the proposed residential development.

If the application proceeds we would recommend complete excavation of the prehistoric archaeology within a defined excavation area prior to the commencement of any development here. This will need to be completed by an archaeological contractor working in accordance with an approved written scheme of investigation.

I have attached a condition below which will allow this excavation to take place:

Suggested planning condition to facilitate a scheme of archaeological excavation as a condition of consent.

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

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

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

## **Public Response**

The proposed development has been advertised by site display and within the local press. At the time of writing this report, no public representations have been received by Development Management.

## **Planning History**

Adjacent site - P/2017/0363 - Outline - Erection of up to 9 dwellings (some matters reserved), formation of vehicular access and all associated works. Consent granted.

## **Principal Planning Constraints**

No known constraints.

## **Principal Planning Policies**

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)  
TAN 5 - Nature Conservation and Planning (2009)  
TAN 6 - Planning for Sustainable Rural Communities (2010)  
TAN 12 - Design (2016)  
TAN 18 - Transport (2007)  
TAN 20 - Planning and the Welsh Language (2013)  
TAN 23 – Economic Development (2014)  
TAN 24 – The Historic Environment (2017)

### Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy  
UDP SP5 - Housing Developments  
UDP GP1 - Development Control  
UDP GP3 - Design and Energy Conservation  
UDP GP4 - Highway and Parking Requirements  
UDP GP5 – Welsh Language and Culture  
UDP HP3 - Housing Land Availability  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP6 - Dwellings in the Open Countryside  
UDP DC10 - Mains Sewage Treatment  
UDP DC11 - Non-mains Sewage Treatment  
UDP DC13 - Surface Water Drainage  
UDP DC8 - Public Water Supply  
UDP DC9 - Protection of Water Resources  
UDP ENV1 - Agricultural Land  
UDP ENV2 - Safeguarding the Landscape  
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats  
UDP ENV7 - Protected Species  
UDP ENV11 - Development in Conservation Areas  
UDP ENV12 - Permitted Development in Conservation Areas  
UDP ENV13 - Demolition in Conservation Areas  
UDP ENV17 - Ancient Monuments and Archaeological Sites  
UDP ENV 18 – Development Proposals Affecting Archaeological Sites  
UDP TR2 – Tourist Attractions

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

### **Officer Appraisal**

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

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

## Principle of Development

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

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

## Loss of agricultural land

UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site has a split classification, comprising of a small area of grade 1 land, urban land and Moderate quality agricultural land (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Whilst Officers acknowledge that the site includes an area of high quality agricultural land, this represents a small proportion of the site and therefore given the wider classification of the application site, it is not considered that development on the proposed site would not result in the unacceptable loss of high grade agricultural land, compliant with UDP policy ENV1.

## 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 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. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

Planning Policy Wales (PPW) confirms “sustainable development” to mean the process of improving the economic, social, environmental and cultural well-being of Wales, and that the planning system provides for a presumption in favour of sustainable development.

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

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

### Affordable Housing

the Affordable Housing Topic Paper indicates that a 20% affordable housing contribution within the Severn Valley sub-market area is acceptable. Therefore on this basis, Officers consider the proposed contribution of 2 dwellings to be acceptable.

### Appearance, Layout and Scale

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

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 9 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Residential Amenity



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

The site is bounded by agricultural fields to the east, south and west. Located to the north is a neighbouring development site (P/2017/0363) which benefits from outline planning permission for 9 dwellings (referred to as phase 1).

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

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbouring amenity however a condition restricting the hours of construction and site activity has been recommended. Should Members be minded to permit the proposed development, it is recommended that the said condition be attached to any consent granted.

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

#### Highway Safety and Movement

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

The proposed scheme will utilise the improved access off the A495, approved under planning application P/2017/0363.

Powys Highways were consulted on the application and offered no objection to the proposed development subject to conditions being attached to any grant of consent. Transport Wales has also responded to their consultation confirming no objection to the proposal.

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

#### Archaeology

The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application. Where nationally important archaeological remains and their setting are likely to be affected by proposed development, there should be a

presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

Information retained within the Regional Historic Environment Record indicates that the application site lies within an area of potential archaeological sensitivity. The plot lies 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. 40 metres to the east there are some rectangular ditched enclosures recognized on 1984 aerial photography which remain undated, but could be related to the Roman military activity, or earlier field system boundaries (PRN 3636 Bryn Vyrnwy Cropmarks). In addition the plot lies on a river terrace which would have been attractive to prehistoric seasonal and permanent activity and there may be unrecorded surface archaeology of this period here. A recent evaluation of the area immediately north of this site revealed a Bronze Age pit at the north end and there may be other Bronze Age activity in the new application area to the south.

In responding to their consultation, Clwyd Powys Archaeological Trust (CPAT) confirmed that the proposed development will disturb any such remains surviving on the site however, in the absence of an appropriate evaluation, the extent of damage was unknown. In light of the comments received and in order to comply with UDP policy ENV18, an Interim Evaluation was undertaken and a report submitted for consideration.

The report confirmed that four of the five trenches excavated revealed significant remains of prehistoric period archaeology. The remains include a Late Bronze Age burnt mound, which has been radiocarbon dated to 1211- 1020 BC, a large defended enclosure with a deep defensive ditch and additional stone, pit and linear features. It is understood that all of these features will be directly impacted by the proposed residential development.

UDP policy ENV18 confirms that where preservation in-situ is not possible but the merits of the proposal mean that development should proceed, suitable conditions will be imposed to ensure appropriate archaeological mitigation. In this instance, CPAT have recommended that a condition be attached to any grant of consent requiring complete excavation of the prehistoric archaeology within a defined excavation area prior to the commencement of any development. Subject to the inclusion of the recommended condition and in accordance with the consultee advice secured, Officers are satisfied that the archaeological remains can be appropriately preserved and therefore the proposal is considered to be in accordance with planning policy.

### Drainage

Policy DC10 of the Powys UDP highlights that where adequate public foul sewerage and sewage treatment capacity is available, it is essential that new development should connect to those systems. The application indicates that the proposed development will be connected to the public sewerage system.

Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewerage and sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of

the development. Severn Trent Water has advised that a condition should be attached to any consent granted requiring details of the foul drainage to be submitted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10. Subject to the above, Officers are satisfied that the proposal is in accordance with planning policy.

### Open Space Provision

UDP policy RL2 indicates that housing development proposals should include provision for safe and accessible outdoor playing and recreation areas. In developments of 10 or more houses (including phased developments) capable of accommodating families with children, a planning obligation will be sought to ensure provision by the developer of outdoor playing space and facilities appropriate to the scale of the development in line with the NPFA standards.

Whilst the proposed number of dwellings does not exceed 10 units, the scheme forms the second phase of a larger development comprising of 18 dwellings. In light of the above, an area of open space has been provided within the southern area of the site which will serve both phase 1 and phase 2. Should Members be minded to grant consent, it is recommended that the implementation and maintenance of the open space provision be controlled by an appropriate legal agreement. Subject to the above, Officers consider the proposal to be compliant with UDP policy RL2.

### 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Llansantffraid is not identified as one of these areas, it is considered that the Welsh Language is a material consideration across the County.

Members are advised that the 2011 census, reported a decline in the percentage of Welsh speakers within the Llansantffraid Ward. Given the scale of the proposed development, it is not considered that the proposal will have a detrimental impact on the cultural or linguistic vitality of the area.

### 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**

Whilst the proposed development represents a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of consent subject to the conditions detailed below and appropriate legal agreement securing the provision and implementation of open space.

Conditions:

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

4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2106 highway (drawing no: RPP/TW/JOB12-2.03 Rev B).

5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;*
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];*
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced*

6. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Any entrance gates to the field access to the east shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

8. Prior to the occupation of any dwellings any entrance gates 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.

9. 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 43 metres distant in a south westerly direction and 115 metres in a north 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.

10. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
11. Prior to the occupation of any of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
12. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
13. 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 0.4 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.
14. The width of the access carriageway, constructed as Condition 10 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
15. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
16. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
17. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
18. Surface levels of the estate road are to fall away from the carriageway of the county highway at a minimum gradient of 1 in 30 for a distance of 10 metres from the edge of the adjoining class I highway and shall be retained at this gradient for as long as the development hereby permitted remains in existence.
19. Upon formation of the visibility splays as detailed in 9 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.

20. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

22. Prior to the commencement of the development full engineering drawings for the construction of the new footway and widening of the existing footway to 2 metres along the A495 and associated drainage to include detailed cross sections through the structure and the adjacent highway shall be submitted and approved in writing by the Local Planning Authority. The works hereby approved shall be fully completed to the written satisfaction of the Local Planning Authority prior to the occupation of any dwelling.

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

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

24. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

## **Reasons**

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

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
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21. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
22. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
23. To secure preservation by record of all archaeological remains which will be impacted by the development in accordance with policies SP3, ENV17 and ENV18 of the Powys UDP (2010), Technical Advice Note 24 (2017) and Planning Policy Wales (2016).
24. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

## **Informative notes**

### **Birds - Wildlife and Countryside Act 1981 (as amended)**

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

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

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

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

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

It is an offence for any person to:



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

Under the Habitats Regulations it is an offence to:

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

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

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