

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1489 **Grid Ref:** 320433.6, 290788.45

Community Council: Kerry **Valid Date:** 21/12/2017 **Officer:** Bryn Pryce

Applicant: Powys County Council

Location: Land adj to Sarn Village Hall, Sarn, Newtown, Powys, SY16 4EJ.

Proposal: Outline: Erection of 7 affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

The reason for Committee determination

This application is submitted by Powys County Council.

Site Location and Description

The site subject to this application adjoins the settlement development boundary of Sarn as defined by the Powys UDP. The application site is located off the classified highway C2053 opposite Sarn School and adjacent to the Village Hall. The site comprises of an agricultural field used for the purposes of grazing. The site is bound by agricultural land to the south east and south west. The classified highway bounds the site to the north east.

This outline planning application seeks consent for the erection of 7 affordable dwellings, alterations to the road, provision of footpath, formation of an access to agricultural land and associated works. All matters are reserved for future consideration.

Consultee Response

Kerry Community Council

Correspondence received 1st February 2018

“Council object to these amended plans to erect 7 dwellings as it is felt that the style and number will significantly change the character of the village.”

“They continue to support the original plan for 5 detached dwellings as discussed at the recent site meeting”.

Highway Authority

Correspondence received 22nd January 2018

The County Council as Highway Authority for the County Class III Highway, C2053

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to the commencement of any works on the development site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the widening of the county highway, new footway across the entire frontage of the site and connecting with the existing footway adjacent to the Village Hall, new agricultural access and the means of surface water discharge for the new works to its outfall position.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC1 Prior to the occupation any of the dwellings any entrance gates 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 dwelling/development hereby permitted remains in existence.

HC2 The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 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 any of the access roads 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.

HC6 Prior to the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the C2053 road effective over a bandwidth of 2.4 metres measured from 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 any of the accesses 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 dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of any carriageway accesses, 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.

HC17 Prior to the occupation of any of the dwellings the highway works including carriageway widening, new footway and surface water drainage shall be fully completed to the written satisfaction of the local planning authority and shall be retained at for as long as the development hereby permitted remains in existence.

HC21 Prior to the occupation of any of the dwellings 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.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank[s] or their soakaway installation[s].

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC6 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.

To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Wales and West Utilities

Correspondence received 17th January 2018

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

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

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

Severn Trent Water

Correspondence received 11th January 2018

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

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

Environmental Health

Correspondence received 15th January 2018

Foul drainage

Assuming the intention is to connect to mains drainage, Environmental Protection has no objection to the proposal to connect to the public sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. Environmental Protection 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.

County Ecologist

Correspondence received 19th January 2018

Thank you for consulting me with regards to planning application P/2017/1489 which concerns the outline application for erection of 7 affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved) on land adjacent to Sarn Village Hall, Sarn, Newtown.

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

The data search identified 19 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

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

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows on the northeast boundary is considered to be of moderate ecological value.

Tree and Hedgerow Replacement Plan

From the plans submitted it is appears that section of hedgerow will be removed or translocated to accommodate the proposed access.

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

‘Proposals which are acceptable in principal should:

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

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

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

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscape Planting Scheme

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

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

Prior to commencement of development a Hedgerow Translocation and Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

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

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

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

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

In addition I recommend inclusion of the following informative:

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.

Natural Resources Wales

Correspondence received 31st January 2018

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 08/01/2018.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirement, to address significant concerns that we have identified. Provided this requirement is met, we would not object to the scheme.

Requirement - The applicant confirms that the foul drainage will be connected to the mains sewer, otherwise demonstrate it is not feasible to connect to the main sewer.

Foul Drainage

The installation of private sewage treatment facilities within publicly sewered areas is not considered environmentally acceptable. We would therefore be opposed to such facilities unless it can be demonstrated that it is not reasonable to connect the public system.

Requirement - The applicant confirms that the foul drainage will be connected to the mains sewer, otherwise demonstrate it is not feasible to connect to the main sewer.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an Environmental Permit or exemption for private treatment facilities in such circumstances

Flood Risk

The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15), although no built development is proposed within Zone C2.

A Flood Consequence Assessment has not been submitted with the application and therefore the level of risk cannot be quantified. However, a desk top analysis has been carried out by NRW and indicates that the section of the site affected by C2 has depths of no greater than 15mm associated with it. On this basis, whilst we do not have significant concerns with respect to flood risk, we advise that finished floor levels of the built development are raised as practicable as possible, in relation to adjacent ground levels.

This will ensure that the risk of flooding to the built development would be reduced. The Applicant should also consider incorporating flood resilient construction techniques to reduce the consequences of flooding at the site.

We also recommend that, in order to corroborate the flood map and highlight any known localised flood risk problems, the Planning Authority should consult the Lead Local Flood Authority, namely Powys CC Drainage team.

The Welsh Government letter of 9 January 2014 to Chief Planning Officers confirms that the Local Planning Authority should “consult internally with colleagues fulfilling the role of Lead Local Flood Authority (LLFA) to determine whether surface water flood risk is an issue when considering allocations in local development plans or determining individual planning applications”.

In line with this letter and Section 8 of TAN15, where relevant, the LLFA, Highways Authority and/or Sewerage Undertaker should be consulted on the suitability of drainage proposals to ensure that development does not increase the risk of flooding elsewhere by loss of flood storage or flood flow route, or increase the problem of surface water run off (paragraph 13.2 Planning Policy Wales).

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.

Correspondence received 5th February 2018

Apologies for not being able to look into the query on the phone.

I've had a look at our Development Advice Maps online, it's the top left corner of the development that will be in C2, we do not have significant concerns with regards to flood risk, we advise that the finished floor levels of the development are raised as practicable as possible, in relation to adjacent ground levels.

Here is a link to the DAM Maps on our internet page:

https://maps.cyfoethnaturiolcymru.gov.uk/Html5Viewer/Index.html?configBase=https://maps.cyfoethnaturiolcymru.gov.uk/Geocortex/Essentials/REST/sites/Flood_Risk/viewers/Flood_Risk/virtualdirectory/Resources/Config/Default

Representations

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

Planning History

P/2016/0236 - Erection of 5 affordable dwellings, including widening of existing road and formation of new agricultural access and associated works. – Conditional Consent

Principal Planning Constraints

Historic Landscapes Register - Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

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

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

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

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

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

Technical Advice Note (TAN)15: Development and Flood Risk (2004)

Local Planning Policy

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP12 – Energy Conservation and Generation

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
ENV7 – Protected Species
HP4 – Settlement Boundaries and Capacities
HP5 – Residential Developments
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
TR1 – Highway Improvement Schemes
HP10 – Affordability Criteria
DC1 – Access by Disabled Persons
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide 2004

Powys County Councils Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

Policy HP8 of the Powys Unitary Development plan confirms that favourable consideration will be given to proposals for affordable housing to meet local need in rural areas as an exception to normal housing policies providing that the site adjoins a settlement development boundary, is small in scale, sensitively located and designed to be in keeping with the surrounding area and local building style. In addition, policy HP8 requires the housing to remain affordable in perpetuity and all future occupiers to comply with the occupancy criteria contained within policy HP10

The proposed residential scheme includes the provision of 7 affordable dwellings to be located adjacent to the settlement boundary of Sarn. The site is located opposite the school and adjacent to the village hall and integrates with the existing settlement. Whilst is submitted on a speculative basis (no local need defined), the Council's housing services are currently undertaking research to identify housing need in the area including a public consultation event. The scale and layout of the site is submitted in an indicative form with all matters reserved so that the proposed development can be adjusted at any reserved matters stage to accommodate the required dwelling sizes.

Officers consider that the proposed development will provide affordable housing opportunities adjacent to an existing settlement and facilities. On this basis, it is considered that the proposed development is compliant with policies HP8 and HP10 of the Powys Unitary Development and therefore the principle of development is accepted by Development Management.

Securing Affordable Housing Provision

Criteria B of policy HP7 confirms that planning permission will only granted in cases where the developer has first entered into a planning obligation to ensure that the housing remains affordable in perpetuity.

Should Members be minded to grant planning permission, it is recommended that appropriate conditions be attached requiring the provision and retention of affordable units in perpetuity. Furthermore, the floor space of the units will be limited to 130 square metres and permitted development rights removed. Subject to the above, Officers are satisfied that the proposal would comply with UDP policy HP7.

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.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating seven dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 requires adequate highway provision in terms of access, visibility, passing, turning and parking. Although indicative access details have been provided, this matter remains reserved for future consideration.

As part of this application process the Highway Authority has been consulted and have raised no objections to the scheme subject to the suggested conditions above. Notwithstanding the

recommended conditions, as access has been reserved for future consideration, it is not considered appropriate to attach the recommended conditions to any outline consent.

Nevertheless, based upon initial consultation and the indicative site layout, Officers consider that an acceptable means of access and on site provision can be secured, compliant with policy GP4 of the Powys UDP.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

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.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Flood Risk

In line with Technical Advice Note 15, UDP policy SP14 confirms that highly vulnerable development will not be permitted within a C2 flood zone.

It is noted that a small parcel of the application site (northern corner) lies within the C2 flood zone. Whilst layout is a matter reserved for future consideration, Officers consider that the site is capable of accommodating the proposed development whilst excluding the area of land within the C2 flood zone. Following consultation, Natural Resources Wales has confirmed no objection to the proposed development subject to further consideration being given to potential flood risk and consideration of mitigation being incorporated within any scheme permitted.

Having carefully considered the proposal, Officers consider that flood risk is capable of being managed at the site through the reserved matters application, compliant with UDP policies SP14 and DC14, Technical Advice Note 15 and Planning Policy Wales.

Ecology & Biodiversity

Policies ENV3 and ENV7 respectively seek to maintain biodiversity and safeguard protected species and their habitats. The proposed development will result in the removal of a short section of hedgerow to create the new access roads and agricultural access.

As part of this application process the County Ecologist has been consulted and no objection has been raised to the scheme although a number of conditions have been recommended. It is considered that the requirements can be met through suitably worded conditions attached to any grant of consent and further information provided at the reserved matters stage.

Due to the nature of this application, location and the existing use of the site, Officers do not consider that there will be any adverse impact upon protected species or designated sites as a result of the proposal.

In light of the above considerations and Ecologists' comments, it is considered that the proposed development fundamentally complies with policy SP3, ENV3 and ENV7 of the Powys Unitary Development plan.

Foul Drainage

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

As part of this application process the Council's Environmental Health Officer (EHO) and Severn Trent have been consulted. The proposed development is to connect to the existing public sewerage system. No objection have been raised by EH in this respect with Severn Trent requesting a condition to be attached to any grant of consent to secure details plans for a foul and surface water drainage scheme to be submitted prior to the commencement of development.

Officers consider that subject to the suggested condition from Severn Trent, the proposed development fundamentally complies with policies DC11 and DC13 of the Powys Unitary Development Plan.

Recommendation

Having carefully considered the proposed development, Development Management considers that the proposed housing development is of a modest scale and appropriate layout and will provide a supply of affordable housing in a rural area. On this basis, it is considered that the proposed development fundamentally complies with planning policy and therefore, the recommendation is one of conditional consent.

Conditions:

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

4. The development shall be carried out strictly in accordance with the plans stamped as received on 21st December 2017 (drawing no's: 2647/P21/0001, 2647/P21/001 REV A, SPH-01, SPH02, SPH-03, SPH-04, SPH-05).
5. 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.

6. Prior to the first installation of any external lighting, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken strictly in accordance with the detailed lighting scheme so approved.
7. Prior to commencement of development a detailed foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the location of the proposed soakaways and porosity test results. Thereafter the drainage system shall be implemented in accordance with the details so approved prior to the first use of the dwellings hereby approved and retained as such in perpetuity unless otherwise agreed by the local planning authority.
8. All development hereby approved shall be for 'affordable housing' as defined within the Powys Unitary Development Plan (2010) and Affordable Housing Supplementary Planning Guidance, occupancy shall be restricted as follows: initial occupiers shall be from the Sarn Community Council area, together with immediately adjoining Community or Parish Council areas. If successive occupiers cannot be found within these areas, occupiers resident at the time in the appropriate shire area in Powys shall be next sought, followed by occupiers resident in the rest of Powys and adjoining Local Authority areas. The occupancy area shall not be widened to the next level without first obtaining the written approval of the Local Planning Authority. Initial and successive occupiers of the affordable dwellings hereby permitted shall fully comply with the affordable housing eligibility criteria as set out in Policy HP10 of the Powys Unitary Development Plan (2010).
9. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
6. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
7. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan (2010).
8. To comply with Powys County Council's UDP Policies HP7, HP8 and HP10 in relation to the provision of affordable housing and to meet the requirements of Planning Policy Wales (9th edition, 2016), TAN 2: Planning and Affordable Housing (2006) and TAN 6: Planning for Sustainable Rural Communities (2010).
9. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

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.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk