

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0891	Grid Ref:	331182.14, 294149.56
Community Council:	Churchstoke	Valid Date:	Officer: 26/08/2016 Bryn Pryce
Applicant:	N C Wilkins & P E Dix, Land adjacent to Ael Y Bryn, Hyssington, Montgomery, Powys SY15 6AT		
Location:	Land adjacent to Ael Y Bryn, Hyssington, Montgomery, Powys, SY15 6AT.		
Proposal:	Outline application for the erection of a dwelling, construction of vehicular access and installation of sewage treatment plan with some matters reserved		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The planning application represents a departure from the development plan.

Site Location and Description

This site is accessed via a private lane off the C2056 classified highway within the rural settlement of Hyssington. The existing site is currently laid to grass and is bound by dwellings to the east and west with agricultural land to the south west and the private lane to the north.

This outline application seeks consent for the erection of a dwelling, construction of vehicular access and installation of sewage treatment plan. Matters relating to appearance, scale, layout and landscaping are reserved for future consideration.

Consultee Response

Churchstoke Community Council

Correspondence received 28th Septemebr 2016

P/2016/0891: CCC objects to the application on the grounds

- a) CCC notes the potential for increased traffic which is likely to be generated by the accommodation, and has concerns for safety at the junction the with the highway C2056
- b) CCC requests that protection afforded to the mature trees at, and around, the proposed development site.

PCC – Highway Authority

- Correspondence received 15th September 2016

In terms of Highways nothing has changed from the previous application P2012/0953.

Due to no further evidence being provided the Highway Authority recommends REFUSAL for the reasons given under P2012/0953.

- Correspondence received 7th November 2017

The County Council as Highway Authority for the County Class III Highway, C2056

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority acknowledge the report written by Woodsyde Developments Ltd 13/01/17 and conclude that whilst aspects are considered acceptable and that vehicle speeds are low, overall though, the available visibility splays still remain significantly below that for even 20 mph traffic speeds.

Therefore, the increased use of this access will potentially lead to conditions prejudicial to highway safety conditions. However, on balance, the likelihood of any potential conflicts remain very low and with the low volumes of traffic and no evidence of any issues within the village we must advise that we are not proposing to object to this application and recommend the following condition be attached to any consent that may be issued.

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

In the interests of highway safety.

PCC - Building Control

Correspondence received 5th September 2016

Please be aware that the proposed development will require Building Regulations approval. For further information or to discuss the project, please contact me on 07876216734 or paul.metcalfe@powys.gov.uk

Severn Trent Water

Correspondence received 13th September 2016

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

Waste Water Comments

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

I can confirm we have no comment to make as no foul sewage or surface water is to discharge to the public sewerage system.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals.

PCC - Environmental Health

Correspondence received 14th September 2016

I have the following concerns about this application with respect to the foul drainage, as I will outline below.

The settlement of Hyssington is designated a Rural Settlement within the strategic settlement hierarchy due to the absence of mains drainage and the unsuitable ground conditions for septic tank drainage. The use of a package sewage treatment plant instead of a septic tank could be a suitable method of sewage disposal if the treatment plant were to discharge to a watercourse (provided NRW consent was sought), however the proposal to utilise a 'soakaway' or drainage field is not appropriate because the ground conditions are known to be unsuitable.

The previous planning application at this site (P/2012/0953) was refused due to concerns regarding the foul drainage. In particular the plot size, its proximity to Rhiastyn House and the topography of the land mean that the site presents a significant challenge in terms of a suitable design for a foul water disposal system. It is likely that sewage effluent would escape from the application site and affect neighbouring properties. At the time of the previous application it was considered that it had not been adequately demonstrated that the proposal would not impact upon the integrity of ground waters and the amenity of neighbouring properties. This present application does not address any of the previous concerns.

The present application proposes to utilise a package sewage treatment plant, the effluent from which will then enter a reed bed before entering a concrete ring soakaway. This type of soakaway is intended to be used for the disposal of storm water and is totally unsuitable for foul drainage. Also, no percolation test results have been submitted. The correct method of drainage field design is contained in document H2 of the Building Regulations, which has not been followed. Therefore the applicant/agent has provided no information with respect to the ground conditions, and has proposed an inappropriately designed 'soakaway'.

In order to minimise any potential effect on amenity the applicant/agent is proposing to utilise a reed bed system to further purify the effluent prior to disposal. Again, the relevant methodology for reed bed design is document H2 of the Building Regulations, which state that they should not be constructed in the shade of trees because this will result in poor growth and therefore poor performance. The proposed reed bed location will be in the shade of trees for a significant proportion of the day.

For the above reasons I must object to the application.

Correspondence received 12th February 2018

Thank you for forwarding the amended proposal for comment.

I have no objection to the proposal for a package sewage treatment plant with a discharge to watercourse, subject to consent/exemption from Natural Resources Wales for the discharge.

CADW

Correspondence received 15th September 2016

Thank you for your letter of 31 August 2016 inviting our comments on the proposed development as described above.

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. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

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

The proposal is located within the vicinity of the scheduled monument known as MG119 Hyssington Mound & Bailey Castle. The intervening vegetation and buildings of Hyssington are likely to block views from the Scheduled monument to the application area. Even if they don't block all views the proposed house will be seen as part of the existing settlement and consequently will not have an impact on the setting of scheduled monument MG119.

The application area is located inside the registered Vale of Montgomery Landscape of Outstanding Historic Interest and more specifically inside the Hysington Historic Landscape Character Area (HCLA). The key characteristic of this HCLA are cited as being undulating, lower hill land, early medieval and medieval nucleated settlement with church and earthen castle, in a landscape of scattered later medieval farms. The proposed development is a single dwelling located inside the nucleated village and therefore conforms to the HCLA and any impact will be no more than local.

Natural Resources Wales

Correspondence received 22nd February 2018

NRW was not consulted on this application when it was first registered. We note the additional information received is with regard to the proposed package treatment plant.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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.

PCC - Ecology

Correspondence received 1st March 2017

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 13 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 boundary is considered to be of moderate ecological value.

Reviewing the submitted information it appears that that no trees or hedgerow are required to be removed as part of the proposed development.

Tree Protection Plan

From reviewing aerial images - there is a mature tree approximately 2m west of the proposed development. It appears that there may be potential that construction works, use of machinery or storage of materials may take place within the canopy of the mature tree identified. Given the proximity of development and works to the tree, it is considered prudent to require information from the applicant as to how this feature of biodiversity importance for wildlife will be protected during the construction period of works. It is therefore recommended that a Tree Protection Plan is secured through an appropriately worded condition.

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 measures 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 Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

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

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

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.

Representations

A public site notice was displayed at the site for a period of 21 days. Three letters of objection have been received in response to the proposal. The comments raised are summarised below:

- Rural settlement not appropriate for further growth
- Steep gradient site
- Foul drainage issues
- Access not suitable for extra traffic
- Poor visibility onto highway junction.

Planning History

P/2012/0953 - Erection of a dwelling (outline) and installation of a sewage treatment plant and formation of vehicular access - Refused

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) 5: Nature, Conservation and Planning (2009)

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

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

Technical Advice Note (TAN) 24: Historic Environment (2017)

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

Local Planning Policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highways and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV16 - Landscapes, Parks and Gardens of Special Historic Interest
ENV17 – Ancient Monuments and Archaeological Sites
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (2004)

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

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

The application site lies outside of the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

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

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

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

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

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

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

Hyssington is defined in the UDP as a rural settlement and has a chapel, village hall and post box. The rural settlement is located in close proximity to the key settlement of Churchstoke

(approximately 2.7 miles) which has a wide range of services and facilities. Officers consider that in this case the proposed site is considered to be a sustainable location for a single open market dwelling with access to a range of services and facilities in Churchstoke that is well associated with the existing built up settlement form.

In light of the above, Officers consider that the rural settlement is considered to be a sustainable location for a single open market dwelling.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Although 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 a single dwelling 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.

Landscape and Visual Impact

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

The proposed site is located adjacent to existing dwellings forming the rural settlement of Hyssington. It is considered that the siting of the proposed dwelling is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing rural settlement and would not have an unacceptable adverse visual impact upon the character and appearance of the surrounding area.

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

Highways Safety and Movement

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

As part of this application process the Highway Authority has been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the Highway Officer's comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan.

Foul and Surface Water 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) has been consulted. Initially objections were received from EHO regarding the proposed foul drainage system proposed. After a number of amended proposals and extensive discussions no agreement was reached on the suitability of the proposed system. Therefore, the applicant has chosen to amend the proposed foul disposal system to a bio disc system with an outflow discharging to a nearby watercourse.

Environmental Health Officers were re-consulted on the revised proposal and have raised no objection to the proposal subject to an exemption being received from NRW to discharge to the watercourse. NRW were also consulted and have raised no objection subject to an exemption permit being applied for the discharge to the watercourse after the application process.

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

Ecology and Biodiversity

As part of this application process the County Ecologist has been consulted and has raised no objection to the proposed development subject to the inclusion of recommended conditions. The Ecologist has recommended conditions regarding a lighting scheme for the site to take account of nocturnal wildlife and also a tree protection and landscaping scheme. Officers consider that at this outline stage with all matters reserved apart from access it is appropriate to include a condition regarding a lighting scheme however feel that a tree protection plan and landscaping scheme can be dealt with and resolved at any reserved matters stage. Therefore, upon any grant of consent a condition to secure a lighting scheme will be attached.

In light of the above and subject to the recommended condition, Officers consider that the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions:

1. 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 strictly in accordance with the plans stamped as received on 09/02/18 (drawing no's: SA22491 01 REV B).
5. Prior to the first occupation of the dwelling, 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.
6. Prior to the first installation of any external lighting, a detailed external lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall thereafter be carried out in accordance with the approved details.

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 the interests of highway safety and in accordance with the provisions policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
6. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury.

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Case Officer: Bryn Pryce- Planning Officer
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