

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/1489	Grid Ref:	320433.6, 290788.45
Community Council:	Kerry	Valid Date:	Officer: 21/12/2017 Bryn Pryce
Applicant:	Mr H Van Rees Kirkhamsfield Deport Powys County Council, Farm Estates Manager, Pool Road, Newtown Powys SY16 3AF		
Location:	Land adj to Sarn Village Hall, Sarn, Newtown Powys SY16 4EJ		
Proposal:	Outline: Erection of 7x 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		

Consultee Response

NRW

Correspondence received 12th March 2018

Thank you for sending the additional information regarding the foul drainage. Due to the new information that you have provided regarding the new development connecting to the main sewer, NRW wish to remove our previous concerns regarding the method of foul drainage.

NRW does not have any further comments to make on this application.

Officer Appraisal

Further to Natural Resources Wales comments of 5th February 2018, clarification was sought from NRW as to whether the foul drainage was to be connected to the mains sewer. The applicant has confirm that this is the case that the foul drainage will be to the mains sewer. NRW have provided additional comments as above and have no concerns regarding the foul drainage proposal.

In addition this update report seeks to change the conditions in respect of securing the dwellings as affordable housing. The conditions as set out below now include the most up to date conditions used in order to secure the housing scheme as affordable units.

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 in-line with the conditions as set out in this update report.

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. Prior to commencement of development a scheme for the provision of affordable housing will be 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 type and tenure of the affordable housing which shall consist of not less than 7 dwellings;
- ii) 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)];
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 as amended or in any statutory instrument revoking and re-enacting that Order with or without modification without the prior written consent of the LPA no development as specified in Part 1 (Classes A,B,C,D,E,F,G,and H) within the curtilage of the dwelling house or any other minor operations as specified in part 2 (Class A) other than indicated on the approved plans shall be carried out without the prior written approval of the Local Planning Authority.

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. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).

9. The dwellings are permitted as an exception to normal housing policies. This condition is imposed to control future development at this site which has the potential to compromise future affordability in accordance with policies HP7, HP8 and HP10 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.

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