

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

**Application No:** P/2017/1274                      **Grid Ref:** 310254.79 291198.41  
**Community Council:** Newtown                      **Valid Date:** 01/12/2017      **Officer:** Dunya Fourie  
**Applicant:** Mr Lee Davies Going Green For A Living Community Trust Ltd Broad Street The Cross Newtown Powys SY16 2BB  
**Location:** Sites A, B & C Nr. Riverside & Nr. Latham Park Newtown Powys  
**Proposal:** Full: Proposed Green Infrastructure Project to include Site A- Erection of hub building & formation of storage compound, formation of car park, new entrance and all associated works; Site B - Construction of a BMX pump track; Site C - Change of use of land to form a play park / amenity area and erection of play equipment;

### UPDATE REPORT

#### Consultation Responses

##### Ecology Response

*E mail of the 31<sup>st</sup> July 2018*

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

The data search identified 119 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.

Reviewing the information submitted it appears that no trees or hedgerow are required to be removed as part of the development. The areas of habitat impacted by the proposed developments is amenity grassland which is considered to be habitat of low ecological value.

##### Non Native Invasive Species

I note from reviewing the block plan of the proposed play park that understorey vegetation is proposed to be cleared along the river bank as well as vegetation clearance around the existing playground. Therefore it is considered necessary to provide biosecurity measures to prevent the spread of potential non-native invasive species that could be present on site or the potential for non-native invasive species to contaminate the site and river bank. It is therefore recommended that a Biosecurity Plan regarding non-native invasive species is secured through an appropriately worded condition.

##### Tree Protection Plan

It appears that construction works, use of machinery or storage of materials may take place within the canopy of the mature tree in/around the development site for the BMX track and Play Park. Given the proximity of the 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.

#### 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.

#### External Lighting

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

#### Pollution Prevention Plan

In considering the nature of the development and the proximity to the watercourse it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant undertakes works in accordance with available Pollution Prevention Guidelines, particularly GPP5: Works and maintenance in or near water and PPG6: Working at construction and demolition sites, details of these guidelines can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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

*Prior to commencement of development works a detailed Biosecurity Plan regarding Non-Native Invasive Species shall be submitted to the Local Planning Authority and shall be implemented as approved.*

Reason: To comply with Powys County Council's LDP Policies DM2 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.

*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 LDP Policies DM2, DM7 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 LDP Policies DM2, DM4, DM13 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 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, DM2 and DM4 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.

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

## **Officer Appraisal**

### Landscape Impact

Landmap is a national landscaping tool for assessing the character value of a landscape, values are attributed to landscape, visual and sensory, geological, historic and cultural.

The landscape and visual and sensory values for sites A, B and C is moderate and low (respectively). High and outstanding values are given to historic and cultural, these values are based on the industrial history of the town and prominent entrepreneurs Pryce Jones and WH Smith who have shaped the history, business and buildings within the town.

The sites occupy locations close to the river, the route of the Severn River through the town part of its visual identity and the proposed development would not change the town's relationship with the river of the riverine character of the river.

The proposed development would not have detrimental impact on the landscape character of the area and may in fact enhance the cultural value of the area by encouraging recreation activities close to the town centre. The proposed development is considered in accordance with Local Development Plan policy DM4.

### Natural Resource Wales updated response

An updated response has not been received from NRW following the Authority's request, however the amended plans have removed those elements which NRW required further information; namely the amphitheatre and canoe access point. The pump track has been moved further away from the bank of the river in line with NRW response. Based on the amended plans and NRW's initial response, the Authority consider no further information is required in regard to flooding.

It should also be noted that NRW were engaged at pre application stage with NRW, they state within their response *"this project has developed in consultation with NRW over time"*. In addition, flood risk activity permits will be required from NRW, separate to any planning consent issued.

## **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans as approved. The plan references include updated riverside play park plan (2940-012 rev A), updated pump track plan (2940-021 rev A), proposed hub site plan (S061.1.1.11 REV C option 3 dated 31.07.17), location plan (S061.1.0.01 REV C dated 29.06.17)
3. Prior to the first beneficial use of the development on Site A any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the

access and shall be retained at this gradient for as long as the development remains in existence.

5. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

6. Prior to the commencement of the development on site A 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 each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. Prior to the commencement of the development on Site A 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.

8. Prior to the first beneficial use of the development on Site A, provision shall be made within the curtilage of the site for the parking of not less than 50 cars and one heavy goods vehicle together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to the commencement of the development on Site A 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.

10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the first beneficial use of the development on Site A a radius of 10.5 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.

12. Prior to the first beneficial use of the development on Site A the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 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,

13. Upon formation of the visibility splays as detailed in condition 7 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.

14. No surface water drainage from the site shall be allowed to discharge onto the county highway.

15. Prior to the erection of any external lighting, a lighting scheme shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

16. Prior to commencement of development of sites B and C a biosecurity risk assessment shall be submitted to and approved in writing by the local planning authority. The risk assessment shall include:

(i) appropriate measures to control any INNS on site, if present; and

(ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

17. Prior to the commencement of development on sites B and C as shown on the approved location plan, a scheme detailing reasonable avoidance measures for otters, water vole and bats shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

18. Prior to the commencement of development on sites B and C as shown on the approved location plan, a pollution prevention plan shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved plan.

19. Prior to the commencement of development on sites B and C as shown on the approved location plan, a waste management plan shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the

20. Prior to development of Site A, as shown on the approved location plan, a site level plan showing the existing and proposed ground level, as measured from the nearest hard standing datum point, shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved plans.

21. 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.

22. Notwithstanding the approved plans, no consent is hereby granted for Phase 2 of the Hub building on site A, as shown on drawing number S061.1.3.10.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

3. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)

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14. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
15. In the interests of ecology and to accord with local authority plan policy DM2 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
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20. In the interests of design and amenity and to accord with Local Development Plan policies DM4 and DM13 (April 2018)
21. To comply with Powys County Council's UDP policies SP3, DM2 and DM4 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.
22. In the interest of design and amenity and to accord with Local Development Plan policy DM4 (April 2018)

## **Informative Notes**

### 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.

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"" 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.