

In light of the above an affordable housing condition will therefore be attached to any grant of consent.

Public Open Space

Policy DM3 requires for the provision of new Open Space from all housing development of 10 or more dwellings where viable. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

It is noted given the site constraints that it is not possible to provide an area of open space within the application site boundary. Discussions have therefore been ongoing between the Powys Recreational Officer and the applicant and in line with the previous Section 106 agreement a contribution has been agreed on to provide and/or upgrade existing facilities within Newtown and within proximity to the application site. A contribution of £20,800 (£800/per affordable dwelling) has been agreed on. A condition will therefore be attached securing a scheme to be submitted to and agreed in writing prior to the commencement of development.

Subject to the recommended condition it is therefore considered that the proposed development can be managed to an acceptable level and therefore in accordance with relevant planning policy.

RECOMMENDATION

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent as outlined within this updated report.

Conditional Consent

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 stamped as approved on XXXXXXXX.
3. The finish floor levels of all habitable areas must not be set below 107.08m AOD.
4. The development must comply with the recommendations set out in the Flood Consequence Assessment submitted with the application which was prepared by Civil Engineering Solutions Limited and dated May 2018 (Reference CES503).
5. The development must comply with the requirements of the Measures Only Travel Plan submitted with the planning application which was prepared by Entran Limited and dated April 2018.

6. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any residential units are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. All hard landscaping must be completed prior to the first occupation of the building.

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

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

9. Prior to the commencement of development, a scheme for the contribution for recreational facilities to serve the development must be submitted to and approved in writing by the Local Planning Authority. The scheme must include the arrangements for the transfer of a contribution. The contribution shall accord with the following provisions: a) All social housing, size or number of bedrooms is not a factor - £ 800.00 per property. b) All private housing up to three bedrooms - £ 1000.00 per property. c) All private housing over three bedrooms - £ 1200.00 per property. The scheme must be implemented in accordance with the agreed details.

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. To ensure that the habitable areas of development are at least 300mm above the 1 in 100 year plus climate change allowance flood level in accordance with the advice set out in Technical Advice Note 15 (2004).

4. To ensure that the developer and occupiers of the dwelling are aware of the risk of flooding in relation to the site in accordance with Technical Advice Note 15 (2004).
5. To ensure adherence to the information submitted with the application in the interests of clarity and a satisfactory development.
6. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policies DM6 of the Local Development Plan (2018).
7. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and visual amenity of the area in accordance with Policy DM13 of the Powys Local Development Plan (2018).
8. In order to ensure the provision of planning obligations in accordance with policy DM1 and H5 of the Powys Local Development Plan (2018), and Planning Policy Wales (2016).
9. In order to ensure the provision of planning obligations in accordance with policy DM1 and DM3 of the Powys Local Development Plan (2018), and Planning Policy Wales (2016).

Informative Notes

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk