

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/1148/FUL

Grid Ref: E: 308508
N: 302274

Community Council: Manafon Community

Valid Date: 18.12.2018

Applicant: Mr Mark Wild

Location: Hill View, New Mills, Newtown, SY16 3NW,

Proposal: Change of use of outbuilding into an engineering workshop (class B2), alterations to access and associated works

Application Type: Full Application

The reason for Committee determination

The application was called in by the Local Member.

Site Location and Description

The application site is located in the Community Council of Manafon. For the purpose of the Powys Local Development Plan (2018), the site is located within the open countryside. The site is located off the C2133 classified highway approximately 8 miles north of Newtown. The site is bounded by agricultural land to the north, south, east and west with the residential property of Hill View adjacent to the proposed site. Approximately 230m to the east of the proposed site is Gwernydd Hall Holiday Home Park with further residential properties approximately 218 metres south and 370 metres north of the proposed site which all access the C2133.

This application seeks consent for the change of use of an outbuilding into an engineering workshop (Class B2) together with alterations to the access and associated works. The submission indicates that the workshop will be used for the manufacture of mixing machines.

Consultee Responses

Consultee

Received

Community Council

No comments received at the time of writing this report.

Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

15th Jan 2019

Wales & West Utilities acknowledge receipt of your notice received on 04.01.2019, advising us of the proposals for:

Hill View, New Mills, Newtown, SY16 3NW

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.

Ward Councillor

17th Jan 2019

The reasons I wish to call it in is on the basis that Engineering can take the format of various forms and has potential noise implications as well as increase in traffic. It is a shared drive between 4 properties which could have implications.

Also, this property was granted a certificate of lawful use under a section 191 in February 2018. Thus taking it from an agricultural industry based in the countryside to a possible Engineering industry in the open countryside.

I reserve my right to withdraw the calling in should I feel circumstances warrant it.

Welsh Water

7th Jan 2019

Please be advised that postcode SY16 3NW is covered by Severn Trent, not Welsh Water.

Highway Authority

28th Jan 2019

This application should be Refused.

Reasons for Refusal

- A full application such as this should include full access details including the location of the proposed access, access width and radii, full visibility splays, surfacing detail, means of draining the access and set back of any gates.
- The visibility from the access is extremely substandard in both directions, it is noted that the applicant seeks to provide a modest improvement to the current situation. However, no detail has been of how the proposed visibility splays will be achieved. Furthermore, the proposed visibility splays of 23m assume a road speed of 19mph, but no evidence has been submitted for consideration. No blue line plan has been submitted.
- There are various possible routes to the application site all of which are narrow and suffer from poor vertical and horizontal alignment. Furthermore, there are insufficient formal and informal passing bays along the length of the C2133.
- No justification has been submitted in relation the reduction of the access radii.
- Little information has been submitted in relation to the proposed movements associated with the proposed change of use, no breakdown comparison for the current premises used by the company has been submitted for consideration. The applicant states that there will be a single delivery van (no explanation as to the size of these vehicles has been submitted) and the 'odd' HGV, however, the applicant fails to expand on the nature of these movements. No detail of customer movements has been submitted for consideration. It is noted that the application for change of use is restricted to a single barn and therefore the movements associated with the current use remain unchanged.
- Should the applicant wish to submit revised drawings of a 1:500 scale @ A3, which address the above points, we shall certainly review any such submission.

Correspondence Received

15th Feb 2019

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 10 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 access shall be constructed so as not to exceed 1 in 15 for the first 10 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 10 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.
- HC4 Prior to the commencement of the development 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 34 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.
- HC7 Prior to the first beneficial use of the development of the development 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, 60mm of bituminous macadam binder course material and a 40mm bituminous surface course for a distance of 10 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 first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars, one van and one heavy goods vehicles 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.
- HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 6 metres for a minimum distance of 10 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.
- HC13 Prior to the first beneficial use of the development a radius of 8 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.

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 HC4 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 surface water drainage from the site shall be allowed to discharge onto the county highway.

HC37 Prior to any works being commenced on the development site the applicant shall construct two passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

Environmental Health

9th Jan 2019

Having read through the application it states that a noise assessment would be included as part of the application. There is no assessment attached.

There are residential dwellings and a caravan site within 200-300 meters in all different directions of the site. A BS4142 noise assessment would be the relevant standard of measurement to demonstrate the noise effect on the nearby residents.

I object to the application at the current time as I have insufficient noise data and possible adverse effects on nearby residents.

Correspondence Received 31st January 2019

In light of the additional acoustic information - BS4142 Noise Assessment, I have no objection to the application provided that the following condition is attached

No machinery shall be operational from 22.00-07.00 on any day.

Correspondence Received 12th February 2019

I have had a look at the application and see no obvious issues that could arise due to odour.

There are no outlets or stack to allow smoke/fume/gases out of the building, therefore I can't envision an issue relating to odour/smoke that would adversely affect neighbouring properties.

I have no objection to the application further to my previous comments.

Hafren Dyfrdwy

8th Jan 2019

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:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

County Ecologist

Thank you for consulting me with regards to planning application 18/1148/FUL which concerns an application for the change of use of outbuilding into an engineering workshop (class B2), alterations to access and associated works at Hill View, New Mills, 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 5 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include hedgehog and house sparrow.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

The proposed development is located on the site of an existing building and is likely to impact areas of hard standing and amenity planting which are habitats considered to be of relatively low ecological value.

Bats – European Protected Species

The proposed development requires alterations to an existing building, consideration therefore has been given to the potential for the building to support roosting bats – bats being a European protected species – and for the proposed development to impact roosting bats.

Having reviewed the information available in the form of site photos it I considered that the existing structure offers negligible potential to support roosting bats due to the steel nature of the building and its use.

Therefore it is considered that the proposed development will not result in impacts to or the loss of features or habitat suitable for use by roosting bats. In light of this assessment I

consider that no further information is considered necessary to determine the potential impact of the proposed development to bats.

Hedgerow Replacement Plan

It appears that the hedgerow at the entrance of the site will need to be cut or set back to achieve the identified visibility splay.

Powys LDP Policy DM2 states that:

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, 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'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Limited details have been provided regarding the impact of the alterations on the hedgerows present on the development site, as such it is recommended that a Hedgerow Compensation Planting and Aftercare Scheme is secured through an appropriately worded planning condition, this plan will need to identify an appropriate compensation strategy for the loss of any hedgerow, where possible translocation of the existing hedgerow should be considered however it is acknowledge in some instances that translocation is not always possible, where this is the case replacement hedgerow planting for the loss of any hedgerow – of a minimum length equivalent to the section of hedgerow to be lost - as well as details of the location, length and species and an appropriate aftercare scheme– species used will need to be native and reflect the hedgerows present in the local area in accordance with the requirements of LDP Policy DM4.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected as part of the proposed development. If external lighting is proposed then 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.

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

Prior to the commencement of development a detailed Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), 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

Following the display of a site notice on 16/01/2019, 19 public representations have been received at the time of writing this report which are all objections. A summation of the points raised are detailed below:

- Close to adjoining properties
- Conflicts with local plan
- Proposed use is not agricultural
- Driveway Maintenance is shared
- Access to properties
- Inadequate access
- Increase in traffic
- Noise nuisance
- Lack of information
- Inadequate parking provision
- Increase in pollution
- Loss of privacy
- Out of character with the area
- Development too high
- Foul smells
- General dislike of the proposal
- Affect local ecology

Planning History

M6087 – Bungalow. Refused 1st June 1979.

M13850 – Outline: Erection of an agricultural bungalow. Consented granted 14th March 1986.

M14131 – Reserved matters for Bungalow. Conditional Consent 26th June 1986

M/2007/0622 – Section 73 Application: Retain dwelling without complying with conditions attached to planning permission M13850 including agricultural workers condition. Withdrawn

P/2018/0054 - Section 191 application for a lawful development certificate for the retention of a dwelling without compliance of occupancy restrictions. Consented granted – Lawful Use on 22nd February 2018.

Principal Planning Constraints

County Highway
Open Countryside

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN 11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
SP2	Employment Growth		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM5	Development and Flood Risk		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026

E6	Farm Diversification	Local Development Plan 2011-2026
E7	Home Working	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

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

Principle of Development

Paragraph 3.2.1 of Technical Advice Note 23 indicates that the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development. In recognising this, local planning authorities are encouraged to adopt a positive approach to the conversion of rural buildings for business re-use providing that the location is suitable, the building is suitable for the proposed use and would not adversely affect the character of the building or surrounding area.

Policy E2 of the Powys Local Development Plan (2018) seeks to ensure that proposals for employment development on non-allocated sites demonstrate that no other suitable existing or existing allocated employment sites, or previously developed land can reasonably accommodate the proposal and where at least one of the following criteria is met:

1. The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.
2. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.

3. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified.

Policy E2 also states:

The provision of new employment proposals within the open countryside is also supported where it can be demonstrated that such a location is justified by the nature of the proposal. Such employment proposals may include the reuse of existing buildings and farm diversification, or homeworking in accordance with policies E6 or E7.

The application relates to the change of use of an outbuilding into an engineering workshop (B2) within the open countryside. The proposed change of use from agriculture to B2 which will enable the owners to work from home while operating the proposed business.

Officers consider the re-use of the building to be in accordance with Technical Advice Notes 6 & 23 in that it re-uses an otherwise redundant building, will contribute positively to the local area whilst also safeguarding the character and appearance of the area. In light of the above it is considered that the proposed development complies with planning policy.

Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed change of use proposes no alterations to the existing structure which is constructed of corrugated iron sheeting and will therefore not alter the existing character of the surrounding area. In light of the above, it is not considered that the proposal will adversely affect the character and appearance of the application building, neighbouring properties or the surrounding area.

Residential Amenity

Policy DM13 of the Powys LDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, odour and dust.

The closest neighbouring properties in relation to the proposed site are Fronoleu Ty Hir, Fronoleu and Fronoleu Cottage approximately 218 metres to the south of the proposed site. Approximately 370 meters north of the proposed site is a further residential property, Ty Brith.

The application is accompanied by a Noise Assessment which has been subject to consideration by Environmental Health. Subject to an appropriate condition limiting the hours of machinery operation (no activity between 22:00 and 07:00 any day), no adverse comments in respect of noise have been received.

Members are advised that third party concerns were expressed regarding potential odour which were highlighted to Environmental Health. Having considered potential odour impact, Environmental Health Officers noted that no outlets or stacks to allow smoke/fumes/gases out of the building are proposed. On this basis, it was not considered that the proposal would adversely affect residential amenity by reasons of odour.

Notwithstanding the third party concerns expressed in respect of noise and odour, in light of the Environmental Health comments received, it is not considered that sufficient weight can be given to these concerns to justify a refusal. Officers are satisfied that the information submitted demonstrates that the proposed development will not adversely affect the amenities enjoyed by neighbouring residential properties and therefore accords with planning policy, particularly policy DM13 of the Powys LDP, Technical Advice Note 11 and Planning Policy Wales.

Impact on an existing tourist facility and amenity of the caravan site users

Powys Local Development Plan policy DM13 requires that developments have regard to the significant importance to the existing tourism facilities in the area. The policy seeks to safeguard established attractions and businesses (including accommodation) from development proposals that could have an unacceptable adverse impact.

It is noted that Gwernydd Hall Holiday Home park is located approximately 230 metres east of the proposed site. Third party representations have been received in regards to the proposed development and its proximity to the park, however despite the concerns raised, in light of the Environmental Health comments received, it is not considered that the proposal would adversely affect the amenity of its users. Furthermore, given that no external alterations are proposed to the existing building, it is considered unlikely that the proposed development would adversely affect the visual amenity of the area.

In light of the above observations, Officers consider that the proposed change of use is in accordance with policy DM13 and therefore would not adversely affect existing tourism assets within the surrounding area.

Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 indicate that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

The Highway Authority has been consulted and has recommended the inclusion of conditions to secure a suitable means of access. Due to the nature of the proposed development it is considered appropriate that these conditions be applied to any granting of planning permission.

In light of the above, and subject to the imposition of the conditions, it is considered that the proposed development fundamentally complies with relevant planning policy and in particular LDP Policy DM13 (Part 1).

Ecology and Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

As part of the application process the County Ecologist has been consulted. The Ecologist has taken into consideration the proposed plans, aerial images and local records and acknowledges that the proposed development is located on the site of an existing building and is likely to impact area of hard paving and amenity planting which are habitats considered to be of relatively low ecological value.

The Ecologist has recommended conditions in respect of a Hedgerow Replacement Plan due to the works required to achieve the identified visibility splays and a Wildlife Sensitive Lighting Plan. Due to the scale and nature of the proposed development and with it being in the open countryside, it is considered appropriate and necessary to secure these details via condition.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Agricultural Occupancy Restriction

It is noted that the residential property of Hill View is subject to an occupancy restriction in which the person must be solely or mainly employed, or last employed prior to retirement, locally in agriculture or in forestry or a dependent of such person residing with him/her (but including a widow or widower or such a person).

A Section 191 application was submitted in 2018 and considered by Development Management under planning reference P/2018/0054. The submission sought to confirm that the dwelling had been occupied in breach of the agricultural occupancy condition for a period in excess of 10 years and therefore the occupation of the dwelling in breach of the condition was now lawful. On the basis of the evidence submitted, Officers were satisfied that the dwelling had been occupied in breach of the agricultural occupancy condition for a continuous period of 10 years and therefore, consent was granted. Whilst confirming that the occupation of the dwelling was lawful for the purpose of Section 191

of the Act, Members are advised that the condition still remains on the planning permission. In the event that there is a break in occupation or the dwelling is occupied by an individual complying with the occupancy condition, then the 10-year period for non-compliance would re-commence and the occupation in breach of the condition would be vulnerable to planning enforcement action.

In terms of the condition and proposed development, Officers do not consider that the restriction placed on this property would preclude the change of use of the building in association with the property from an agricultural use and therefore it is not considered that this application undermines the occupancy condition.

RECOMMENDATION

Officers are satisfied that the proposed development complies with the relevant policies and the recommendation is therefore one of conditional consent.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's: T083.1.3.05).
3. Prior to the commencement of development a detailed Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The development shall thereafter be undertaken strictly in accordance with the Hedgerow Replacement and Aftercare Scheme as approved.
4. 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
5. No machinery shall be operational from 22.00-07.00 on any day.
6. Prior to the first beneficial use of the development any entrance gates shall be set back at least **10 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.

7. The gradient of the access shall be constructed so as not to exceed 1 in **15** for the first **10 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.
8. The centre line of the first **10 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.
9. Prior to the commencement of any other development 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 **34 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.
10. Prior to the first beneficial use of the development of the development 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, 60mm of bituminous macadam binder course material and a 40mm bituminous surface course for a distance of **10 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.
11. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than **two cars, one van and one heavy goods vehicles** 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.
12. The width of the access carriageway, constructed as Condition 10 above, shall be not less than **6 metres** for a minimum distance of **10 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.

13. Prior to the first beneficial use of the development a radius of **8 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.
14. 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.
15. Upon formation of the visibility splays as detailed in condition 9 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.
16. No surface water drainage from the site shall be allowed to discharge onto the county highway.
17. Prior to any works being commenced on the development site the applicant shall construct **two** passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

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 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

5. To safeguard the amenities of the neighboring residential properties in accordance with Policy DM13 of the Powys County Council's Local Development Plan (2018).
6. In the interests of highway safety and in accordance with the provision of Powys LDP Policy DM13, T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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12. In the interests of highway safety and in accordance with the provision of Powys LDP Policy DM13, T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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14. In the interests of highway safety and in accordance with the provision of Powys LDP Policy DM13, T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

15. In the interests of highway safety and in accordance with the provision of Powys LDP Policy DM13, T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

16. In the interests of highway safety and in accordance with the provision of Powys LDP Policy DM13, T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

17. In the interests of highway safety and in accordance with the provision of Powys LDP Policy DM13, T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

Informative

Biodiversity

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.