

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application Number: 19/0236/FUL **Grid Ref:** E: 320409
N: 293424
Community Council: Abermule And Llandyssil **Valid Date:** 08.02.2019

Applicant: Mr E Powell

Location: Land Near Camp Farm, Cefn Y Coed, Llandyssil, Montgomery, SY15 6LU

Proposal: Siting of 3 holiday lodges, formation of vehicular access and access road, provision of 4 passing bays, installation of a sewage treatment plant and all associated works (resubmission of planning application P/2018/0498)

Application Type: Full Application

Consultee Responses

Consultee	Received
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County Ecologist

26th Apr 2019

Thank you for consulting me on the 23/04/2019 with regards to planning application 19/0236/FUL which concerns an application for the siting of 3 holiday lodges, formation of vehicular access and access road, provision of 4 passing bays, installation of a sewage treatment plant and all associated works (resubmission of planning application P/2018/0498) at land near Camp Farm, Cefn Y Coed, Llandyssil, Montgomery.

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 1 record of protected and priority species within 500m of the proposed development with no records found for the site itself. The species recorded within 500m of the proposed development was a hare.

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

The proposed development is located within an agricultural field and therefore is likely to

impact areas of improved/semi-improved grassland, a habitat considered to be of relatively low ecological value.

In addition 4 passing bays are proposed as part of the proposed development, having reviewed the identified locations and available streetview images the proposed laybys will affect areas of semi-improved and poor-semi-improved grassland.

Hedgerow Replacement Plan and Landscaping

Submitted plans indicate that a section of the existing hedgerow along the County Highway Lane would be required to be removed in order to accommodate a new vehicular access and the required visibility splay, it is noted that sections of new hedgerow planting are proposed along the part of the proposed access road and along the the southern and western boundaries of the proposed development in addition areas of tree planting are also identified within the proposed development.

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.

Where impacts to hedgerows are identified an appropriate compensation strategy is required. Given the identification new hedgerow and tree planting around the proposed development it is considered that appropriate compensation has been identified for the section of hedgerow impacted.

The identification of new native species hedgerow and tree planting is welcomed, the length of the new hedgerow planting proposed exceeds that which would be required to removed and therefore would provide both compensation for any loss of hedgerow as

well as providing biodiversity enhancement - in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016 - from the proposed development. It is therefore recommended that adherence to the identified Landscaping Plans is secured through an appropriately worded condition.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the building. 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.

Existing Tree and Hedgerow Protection

Given the presence of existing hedgerows and trees in proximity to the proposed development it is considered that there is potential for these features to be negatively impacted by the development unless appropriate protection measures are implemented during the construction phase. It is therefore recommended that submission of a Construction Phase Tree and Hedgerow Protection Plan prior to commencement of development is secured through an appropriately worded condition.

Subject to inclusion of appropriate conditions as identified above to secure compensation for the loss of the section of hedgerow to accommodate the proposed access road, use of sensitive lighting and protection of existing tree and hedgerows during the construction phase it is considered that the proposed development would not result in the loss of or negative impacts to biodiversity at the site.

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

The development shall be carried out strictly in accordance with the Landscaping Plans and associated planting specifications and aftercare measures as identified on Landscaping Site Plan as Proposed (showing the access road) drawing no. RPP/GD-JOB59-06 and Landscaping Site Plan as Proposed (Showing the log cabin area) drawing no. RPP/GD-JOB59-05 produced by Roger Parry & Partners LLP dated January 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and 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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's 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.

Prior to commencement of development a Construction Phase Tree & Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and 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 informatives;

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

Officer Appraisal

Ecology and Biodiversity

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

Following the original report to Committee, comments from the County Ecologist have now been received. The Ecologist has raised no objection to the proposed development subject to the recommended conditions and informatives being attached to any planning permission granted. Members are advised that the conditions relate to landscaping, external lighting and a construction phase tree & hedgerow protection plan.

Notwithstanding the landscaping condition as recommended by the County Ecologist, Members are advised that a condition requiring the submission of a detailed landscaping scheme has already been recommended by Officers. This condition has been suggested due to the lack of details on the plan, particularly measures regarding implementation and maintenance of the landscaping proposals. Officers consider that the suggested landscaping condition recommended by the County Ecologist is covered by the condition already included as part of the recommendation. Conditions regarding external lighting and a construction phase tree & hedgerow protection plan are considered to be necessary and appropriate and therefore it is recommended that these conditions are attached to any grant of consent.

In light of the above and consultation responses received, Officers consider that the proposed development is in compliance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

RECOMMENDATION

In light of the above, the recommendation is one of conditional consent subject to the conditions set out below.

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 (RPP/GD-JOB59-01, RPP/GD-JOB59-02, RPP/GD-JOB59-03, RPP/GD-JOB59-04, RPP/GD-JOB59-05, RPP/GD-JOB59-06, RPP/GD-JOB59-07, RPP/GD-JOB-08, AT-01, AT-02, AT-JP-01, AT-JP-02, AT-JP-03).
3. Notwithstanding the approved plans, prior to first use details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details thereafter.
4. Prior to the commencement of development, a detailed landscaping and implementation scheme together with a maintenance strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping and implementation 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. The development shall thereafter be undertaken strictly in accordance with the landscaping scheme as approved.
5. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
6. Notwithstanding the provisions of schedule 2, part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings or structures shall be erected other than those expressly authorised by this permission.

7. Prior to the first beneficial use of the development any entrance gates shall be set back at least 11 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.
8. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 11 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.
9. The centre line of the first 11 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.
10. 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 59 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.
11. Prior to the commencement of any other 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 and 60mm of bituminous macadam binder course material for a distance of 11 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.
12. 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 one car per bedroom 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.
13. Prior to the commencement of any other development 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.

14. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5.5 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.
15. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 11 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.
16. Upon formation of the visibility splays as detailed in condition 10 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.
17. Prior to any works commencing on site the applicant shall submit to the Local Planning Authority for approval in writing detailed engineering drawings and information for a drainage scheme such that no surface water from the site shall discharge onto the county highway. Any soak-away system shall be located within the site no less than 6 metres from the highway. The development shall thereafter be undertaken strictly in accordance with the details as approved.
18. Prior to any works commencing on the development site the applicant shall construct four passing bays, in the locations identified on drawing number AT-JP-03 and titled "Layby Location Plan". The passing bays shall be constructed to an adoptable standard.
19. 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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
20. Prior to commencement of development a Construction Phase Tree & Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved 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. In accordance with policy DM13 of the Powys Local Development Plan, Planning Policy Wales (9th edition, 2016) and Technical Advice Note (TAN) 12 (2016).
4. 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.
5. In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency in accordance with policy TD1 of the Powys Local Development Plan.
6. To protect the character and appearance of the surrounding area in accordance with Planning Policy Wales (Edition 9, November 2016), Technical Advice Note (TAN) 12 (2016) and policy DM13 of the Powys Local Development Plan.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
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19. To comply with Powys County Council's 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.
20. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and 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.

Informative Notes

PCC - Land Drainage

Having assessed the Planning Application Ref 19/0236/FUL the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

PCC - Highways

1. Passing Bays and Access

Any works within the public highway will require a street works licence which can be obtained through the Street Works section at Powys County Council, County Hall, Llandrindod Wells, Powys, LD1 5LG, Tel 01597 826667 email: street.works@powys.gov.uk

2. Sustainable Drainage

The Flood and Water Management Act 2010 (Schedule 3), which came into effect in Wales on 7th January 2109, requires all new and permitted developments in urban or rural areas of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres, to include Sustainable Drainage Systems (SuDS) features that comply with Welsh Government's national SuDS standards for surface water.

Where the above requirement is applicable, approval will need to be secured before construction can commence onsite from the SuDS Approval Body (SAB).

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>, or alternatively contact the SAB Team on 01597 826000 or email sab@powys.gov.uk.

Wales & West Utilities

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.

PCC - Ecology

Birds - Wildlife and Countryside Act 1981 (as amended)

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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
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- 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.

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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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