

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

**Application Number:** 20/0387/OUT

**Grid Ref:** E: 321953  
N: 311565

**Community Council:** Guilsfield Community

**Valid Date:** 27.03.2020

**Applicant:** Bradley and Bradley-Barnard

**Location:** Fairview Garage, Guilsfield, Welshpool, Powys, SY21 9ND

**Proposal:** Erection of 9 dwellings to include demolition of former garage buildings

**Application Type:** Outline planning

### UPDATE REPORT

This report forms an update to the previous report circulated to Members of the Committee.

### Consultee Responses

#### Consultee

#### Received

PCC Built Heritage

Cadw are commenting on the RHPG. They do not comment on conservation areas or listed buildings. The third paragraph of Cadw's response clearly states this.

My comments start by listing all designations in proximity (dependant on the scale of the proposal). My comments are in respect of a) a lack of appraisal on setting of historic assets – the requirement for which is detailed in section 2.2 of Managing Setting of Historic Assets, and b) setting of listed buildings and conservation areas.

My appraisal was solely in respect of the setting of the conservation area and listed buildings only, I have not assessed the setting of the RHPG as that is Cadw's role.

However, I can confirm that I would have no objection to the reduction in height to that previously approved.

Hope that helps and clarifies who is consulted on what Historic Asset.

## Natural Resources Wales (North) DPAS

Thank you for the email and for the call this morning. At this short notice we can only offer comment for your specific query relating to the Granllyn SAC and should you need advice on other matters we comment on please submit a new consultation request.

The Granllyn SAC and SSSI is specifically designated for its population of great crested newt (GCN). We are aware that the Granllyn site is used for recreational purposes by the residents of Guilsfield. Additional pressure from increasing numbers of residents making use of the open space, as well as potential increase in predation from pets being brought to the area, has the potential to be an adverse effect. This could be in the form of increased footfall and trampling of the habitats at the site as well as direct harm to individual GCN, that in time can accumulate to be a significant impact on the favourable conservation status of the species. If the favourable conservation status of the GCN population is adversely affected this will also affect the status of the SAC and SSSI. With specific reference to the SAC, the Habitat Regulations Assessment (HRA) required to be completed by your Authority to inform the planning decision will need to consider this factor.

As the site identified for development is brownfield with buildings still present and the land is contaminated as the former use as a garage, the likelihood of GCN being present is limited. No water features appear to be present at the application site and therefore any surveys would be terrestrial, and these surveys are known to be difficult to confirm presence. Given the existing literature of GCN dispersal and spatial coverage of metapopulations it is quite possible that GCN may be found on site occasionally. Therefore, we would recommend that a condition is attached to the outline consent for Reasonable Avoidance Measures (RAMs) to be implemented during the demolition and construction. The RAMs must include a trigger that if one or more GCN are found, works must immediately stop and may only resume under license.

Once the development has been completed the type of surface water drainage used could cause entrapment of individual GCN attempting to move through the gardens of the town to reach suitable breeding and terrestrial habitats as part of their annual cycle. This is an issue of habitat connectivity and forms an objective of the SAC. Therefore, measures designed into the development will need to consider how to avoid surface water features and kerb design that could prevent the dispersal of GCN. This is commonly understood as gully pots and similar type features that act as a physical barrier. We therefore recommend that the drainage design is secured at outline consent stage in consultation with your ecologist as it has the potential to affect the layout of the site and we would refer you to the SAB for further advice on the need for SuDs.

As there are known measures that can be implemented, and as this is a small-scale

residential development of seven dwellings (primarily apartment flats), the recreational pressure to the open space at Granllyn itself is likely to be relatively low. Therefore, NRW would not object subject to the outcome of your Authority's Test of Likely Significant Effects required by the HRA process.

This application alongside the application at Tan y Gaer for a housing development triggers concern for the ongoing maintenance and enhancement of the Granllyn SAC and SSSI in relation to planning and development. Planning applications in Guilsfield up to approximately 1500m SAC are likely to need HRA and the in-combination effects of multiple development should be considered. A similar challenge is presented for two SACs in Flintshire and we recommend consideration of the approach taken (see SPG 8a Great Crested Newt Mitigation Requirements) is made in respect of town and country planning in and around Guilsfield. We would be happy to engage with your Authority to help develop an approach for Guilsfield and we consider that this could take multiple formats to help deliver sustainable development.

Powys Ecologist

Thank you for the opportunity to comment on planning application 20/0387/OUT which concerns an outline application (some matters reserved) for erection of 9 apartments at Fairview Garage, Guilsfield, Welshpool, Powys, SY21 9ND.

I have reviewed the proposed plans, aerial images as well as records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 345 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include bat species; common pipistrelle, soprano pipistrelle, brown long-eared bat, Brandt's bat and whiskered bat, and great crested newt, grass snake, slow-worm, hedgehog, barn owl and several Environment (Wales) Act 2016 bird species.

Two statutory designated sites were identified within 500m of the proposed development:

- Granllyn Site of Special Scientific Interest (SSSI) - approximately 100m from the proposed development
- Granllyn Special Area for Conservation (SAC) - approximately 100m from the proposed development

Given the proximity of the proposed development to the Granllyn SAC, the potential for the proposed development to impact the Granllyn SAC during the construction and operational phases of the development and the potential for a Likely Significant Effect on the Granllyn SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area and following consultation with NRW, it has been determined that the proposed development would not result in a likely significant effect to the Granllyn SAC and/or its associated features. I have attached a copy of the Screening Assessment for your records.

No non-statutory designated sites were identified within 500m of the proposed development. Three Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the AW in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the AW and/or their associated features.

#### Great crested newts – European Protected Species

The proposed development site is located 100m from Granllyn SSSI/SAC. The site is designated for its significant population of great crested newts. Therefore, consideration has been given to the suitability of habitats present and the potential for the development site to support great crested newts, a European Protected Species (EPS).

Great crested newts as well as their resting and breeding habitats are fully protected under European law. Where impacts to EPS are identified, the Local Planning Authority (LPA) have to apply the three tests of the 'Habitats Regulations' to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
2. That there is “no satisfactory alternative”
3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

The habitats directly affected by the proposed development comprise hardstanding and buildings, which are considered unsuitable for supporting great crested newts. There will be no loss of great crested newt terrestrial or aquatic (breeding) habitat. However, given the proximity of the site to the proposed SAC/SSSI, it is considered that there is low potential for great crested newts to be present on the site during demolition and construction phases. Therefore, it will be necessary for works to be undertaken in a manner that avoids or reduces potential disturbance or harm to great crested newts in the unlikely event that they are present. NRW have confirmed (24/09/2020) that should a great crested newt be found on site during works (either demolition or construction) that an EPS licence may be required for works to continue. This should be reflected in the reasonable avoidance measures identified to safeguard great crested newts during works.

The data search also identified previous records for grass snake and slow-worm in the vicinity of the proposed development site. The habitats directly affected by the proposed development are considered unsuitable for supporting reptiles. However, there exists the, albeit low, potential for reptiles to be present on the site during demolition and construction works. Therefore, reasonable avoidance measures will need to be identified to avoid or reduce potential harm to reptiles during works.

It is, therefore, recommended that a detailed Reasonable Avoidance Measures Statement for great crested newt and reptiles is secured for submission prior to determination of a reserved matters application through an appropriately worded planning condition.

It will be necessary to consider pollution prevention measures, including management and disposal of waste materials and on-site contaminants. If not managed correctly these have the potential to cause harm to any great crested newt on site and to leak to the wider environment via public drains. It is recommended that preparation of the Pollution Prevention Plan refers to relevant guidance which can be found at:

<https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>. The plan should also demonstrate compliance with the Waste Duty of Care: Code of Practice <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice/waste-duty-of-care-code-of-practice> .

A Phase 2 land quality assessment by Ground First has been submitted with the application. The report details the findings of a programme of intrusive investigative works to assess presence of contaminants and potential for groundwater contamination. Guilsfield Brook, Nant Rhyd-y-Moch watercourse and Granllyn SSSI/SAC were identified as potential receptor sites. A risk assessment was undertaken based on the assumption of a hydraulic connection between the proposed development site and the receptor site. The pollution risk to all three receptors was considered to be low based on the absence of any appreciable soil or leachate contamination and potential for attenuation and degradation of contaminants prior to reaching the receptor. Recommendations were made regarding the decommissioning, removal and disposal of in-situ fuel storage and waste oil tanks to avoid/reduce the likelihood of contamination of the site and the wider environment. Planning conditions have been recommended requiring submission of further site investigations to include the access, a subsequent remediation scheme and implementation of an approved scheme prior to commencement of development. It is recommended that a Pollution Prevention Plan is prepared that refers to the Phase 2 land quality assessment and other relevant guidance relating to construction activities which can be found at: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>.

It is, therefore, recommended that a Pollution Prevention Plan is secured for submission prior to determination of a reserved matters application through an appropriately worded planning condition.

The proposed development will require installation of surface drainage infrastructure that can adversely affect great crested newts if poorly designed. Uncovered drains at the base of guttering and gully pots along access roads can trap and drown newts. The development will require the submission of a sustainable urban drainage scheme (SUDS) for SAB approval detailing the management and disposal of surface waters. Information has been provided identifying suitable 'amphibian friendly' drainage features designed to avoid adverse impact to great crested newts. It has been confirmed that these will be incorporated within a SUDS scheme to be submitted for SAB approval. It is intended that foul waters disposal will be via connection to the main sewer network. Final foul and surface water drainage specifications are to be submitted as part of a reserved matters application.

It is, therefore, recommended that submission of an amphibian friendly drainage plan is secured prior to determination of a reserved matters application through an appropriately worded planning condition.

Continuous lengths of raised kerbs and solid boundary features create barriers that prevent great crested newts moving between areas of suitable habitat. Matters of access, design and landscaping are to be submitted as part of a reserved matters application. It will be necessary for any application to incorporate measures designed to maintain ground-level connectivity across the site and to ensure that where boundary features are required, for instance between plots, that these are designed to allow movement of amphibians and other wildlife through the site. Information has been provided to confirm that measures to maintain significant ground-level connectivity across the site will be incorporated into the proposed development.

It is, therefore, recommended that submission of kerb layout and landscaping details to secure ground-level connectivity across the site for movement of great crested newts is secured prior to determination of a reserved matters application through appropriately worded planning conditions.

A Bat Survey Report by Turnstone Ecology, dated August 2018, has been submitted with the application. I consider that the survey methods and effort employed were in accordance with current National Guidelines. The report details the findings of a preliminary roost assessment and two subsequent activity surveys. An internal and external assessment was undertaken of four identified structures on the site: a car showroom with adjacent workshop, office and lean-to. Several potential roost features were identified within the car show-room, office and workshop. No evidence of roosting bats was detected, and it was noted that features associated within the roof could not be fully searched. A timber shed (tightly clad timber and corrugated metal roof) in an adjacent garden but within the same ownership was identified but not accessible for survey.

A dusk survey and dawn survey were undertaken on 14<sup>th</sup> May 2018 and 27<sup>th</sup> June 2018 respectively in suitable conditions. No bats were detected emerging or entering any of the

structures on either survey occasion. Common pipstrelle, soprano pipistrelle and noctule bat were recorded commuting in the vicinity of the site. It was concluded that the site offers low suitability for roosting bats.

No evidence of nesting birds was identified although potential nesting locations were present. The site was considered unsuitable for barn owl.

The report indicates that there would be no impact on bats or bat roosts resulting from the proposed development. Enhancement measures for bats were recommended, which are considered acceptable and appropriate for the nature and scale of the development. The submitted site plan identifies that four bat tubes will be installed within the new development. Opportunities for replacement bird nesting features were recommended to be included within the new development.

It is, therefore, recommended that the identified mitigation and enhancement measures for bats and nesting birds are secured through an appropriately worded planning condition.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland.

Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12<sup>th</sup> September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>.

It is, therefore, recommended that an External Lighting Design Scheme, is secured through an appropriately worded planning condition.

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

The development shall be undertaken in strict accordance with sections 4.3 and 4.4 of Fairview Garage Bat Survey Report by Turnstone Ecology, dated August 2018, with regard to bats and nesting birds. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

No demolition or development shall take place (including ground works) until a detailed Reasonable Avoidance Measures Statement for amphibians and reptiles

has been submitted to and approved in writing by the Local Planning Authority. The measures identified shall be adhered to and implemented in full.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a pollution prevention plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Prior to commencement of development (including, demolition, ground works, site clearance), a scheme for foul and surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before first occupation. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The approved measures shall be implemented in full and maintained thereafter.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development (including, demolition, ground works, site clearance) an amphibian friendly water drainage scheme and kerb layout plan shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to 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 position. The submitted landscaping scheme shall also identify measures that maintain ground-level connectivity for wildlife moving through the site. The approved scheme shall be implemented in full and maintained thereafter.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- 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:

- 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 (as amended) 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](mailto:enquiries@bats.org.uk).

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

Under The Conservation of Habitats and Species Regulations 2017 it is an offence for any person to:

- Deliberately capture, injure or kill a great crested newt
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution or abundance of great crested newts or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Deliberately take or destroy the eggs of great crested newts
- Damage or destroy a breeding site or resting place. This is an absolute offence, in other words intent or recklessness does not have to be proved.

Under the Wildlife & Countryside Act 1981 (as amended) it is an offence to

- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection
- Intentionally or recklessly obstruct access to their places of shelter or protection

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 (as amended) that works to ponds or terrestrial habitat where that work involves the disturbance of great crested newts is an offence if a licence has not been obtained from Natural Resources Wales. If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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 in 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.

## 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 on such a bird.

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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 by phone at 0300 065 3000.

## Officer Appraisal

### Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

The data search identified 345 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include bat species; common pipistrelle, soprano pipistrelle, brown long-eared bat, Brandt's bat and whiskered bat, and great crested newt, grass snake, slow-worm, hedgehog, barn owl and several Environment (Wales) Act 2016 bird species.

Two statutory designated sites were identified within 500m of the proposed development:

- Granllyn Site of Special Scientific Interest (SSSI) - approximately 100m from the proposed development
- Granllyn Special Area for Conservation (SAC) - approximately 100m from the proposed development

Given the proximity of the proposed development to the Granllyn SAC, the potential for the proposed development to impact the Granllyn SAC during the construction and operational phases of the development and the potential for a Likely Significant Effect on the Granllyn SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area and following consultation with NRW, it has been determined that the proposed development would not result in a likely significant effect to the Granllyn SAC and/or its associated features.

- *Great crested newts – European Protected Species*

The proposed development site is located 100m from Granllyn SSSI/SAC. The site is designated for its significant population of great crested newts. Therefore, consideration has been given to the suitability of habitats present and the potential for the development site to support great crested newts, a European Protected Species (EPS).

The habitats directly affected by the proposed development comprise hardstanding and buildings, which are considered unsuitable for supporting great crested newts. Therefore, it is concluded that there will be no loss of great crested newt terrestrial or aquatic (breeding) habitat.

However, given the proximity of the site to the proposed SAC/SSSI, it is considered that there is low potential for great crested newts to be present on the site during demolition and construction phases. Therefore, it will be necessary for works to be undertaken in a manner that avoids or reduces potential disturbance or harm to great crested newts in the unlikely event that they are present. NRW have confirmed (24/09/2020) that should a great crested newt be found on site during works (either demolition or construction) that an EPS licence may be required for works to continue.

This therefore will be required to be demonstrated through the reasonable avoidance measures to safeguard great crested newts during works which will be appropriately conditioned as part of the application.

- *Surface Water Drainage*

The development will require the submission of a sustainable urban drainage scheme (SUDS) for SAB approval detailing the management and disposal of surface waters.

Information has been provided identifying suitable 'amphibian friendly' drainage features designed to avoid adverse impact to great crested newts. It has been confirmed that these will be incorporated within a SUDS scheme to be submitted for SAB approval. It is intended that foul waters disposal will be via connection to the main sewer network.

Whilst final foul and surface water drainage specifications are to be submitted as part of a reserved matters application a condition will be attached to any grant of consent requiring for an amphibian friendly drainage plan is secured prior to determination of a reserved matters application through an appropriately worded planning condition.

- *Protected Species- Bats*

A Bat Survey Report has been completed by Turnstone Ecology and submitted in support of the application given the demolition of the existing buildings on site which have the potential to be utilised for roosting bats.

Emergence and dawn return surveys were completed and no bats were recorded as emerging from the detached commercial units. Following the surveys and given that the building structure, limited potential roosting locations and evidence of bats, it was concluded that the site is of low suitability for roosting bats.

It will be recommended however that biodiversity enhancements as outlined within the bat survey report should be included on all dwellings proposed. A condition will be attached to ensure full details of such enhancements are submitted for consideration at the time of any reserved matters application.

In light of the above comments it is therefore considered that subject to appropriately worded conditions and following the completion of a Habitats Regulation Assessment (HRA) given the proximity of the proposed development to the Granllyn SAC, that the potential for the proposed development to impact the SAC during the construction and operational phases of the development would not result in a likely significant effect to the Granllyn SAC and/or its associated features.

It is therefore considered that subject to appropriately worded conditions the proposed development can be managed to an acceptable level in accordance with relevant national and local planning policies.

## **RECOMMENDATION**

In line with previous Officer's recommendation it is therefore considered that the proposed development fundamentally complies with relevant planning policy and subject to the below updated conditions the recommendation is one of conditional consent.

## Conditions

1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4 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.

5 Notwithstanding the provisions of schedule 2, part 1, class A- E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings, extensions or alterations shall be erected other than those expressly authorised by planning permission.

6. Notwithstanding the approved plans, any reserved matters applications shall have a maximum height of 8 metres to the ridge per dwelling as agreed by email dated the 14th July 2020 by Hughes Architects.

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the

Local Planning Authority. The scheme as approved shall be implemented in accordance with the approved details before the development is first brought into use.

8. At the time of submission of any Reserved Matters application all biodiversity enhancements as indicated within the Bat Survey Report for Fairview Garage, Guilsfield by Turnstone Ecology dated August 2018 shall be included on all elevational drawings as proposed. Thereafter, the biodiversity enhancements as approved shall be constructed prior to the first use of any dwelling thereafter approved.

9. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

10. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 9 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the

remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

12. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- o 0800 - 1800 hrs Monday to Friday
- o 0800 - 1300 hrs Saturday
- o At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

13. The development shall be undertaken in strict accordance with sections 4.3 and 4.4 of Fairview Garage Bat Survey Report by Turnstone Ecology, dated August 2018, with regard to bats and nesting birds. The measures identified shall be adhered to and implemented in full and maintained thereafter.

14. No demolition or development shall take place (including ground works) until a detailed Reasonable Avoidance Measures Statement for amphibians and reptiles has been submitted to and approved in writing by the Local Planning Authority. The measures identified shall be adhered to and implemented in full.

15. Prior to commencement of development, a pollution prevention plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

16. Prior to commencement of development (including, demolition, ground works, site clearance), a scheme for foul and surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before first occupation. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The approved measures shall be implemented in full and maintained thereafter.

17. Prior to commencement of development (including, demolition, ground works, site clearance) an amphibian friendly water drainage scheme and kerb layout plan shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.



18. Prior to 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 position. The submitted landscaping scheme shall also identify measures that maintain ground-level connectivity for wildlife moving through the site. The approved scheme shall be implemented in full and maintained thereafter.

19. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.

## **Reasons**

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

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

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

4 To ensure a % of the properties hereby approved are available as affordable dwellings in accordance with policy H5 of the Local Development Plan (2018) and Planning Policy Wales (2018).

5 This condition is imposed to control future development at this site on amenity grounds and also the future affordability of the development in accordance with policy H5 and DM13 of the Powys Local Development Plan.

6 To ensure that there would be no adverse impact on the setting of nearby listed buildings in accordance with policy SP7 of the Local Development Plan (2018), Technical Advice Note 24 and Planning Policy Wales (Edition 10, 2018).

7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

8 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, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

9 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).

10 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).

11 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).

12 To protect the amenities of neighbouring residential properties in accordance with policy DM13 of the Local Development Plan (2018), Technical Advice Note 11: Noise and Planning Policy Wales (Edition 10, 2018).

13 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

14 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

15 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

16 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

17 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

18 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

19 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.