

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod
**Siambr y Cyngor - Neuadd y Sir,
Llandrindod, Powys**

Dyddiad y Cyfarfod
Dydd Iau, 7 Rhagfyr 2017

Amser y Cyfarfod
9.30 am



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

I gael rhagor o wybodaeth cysylltwch â
Carol Johnson
01597826206
carol.johnson@powys.gov.uk

AGENDA

1.	COFNODION Y CYFARFOD BLAEOROL
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gyhalwyd ar 16 Tachwedd 2017 yn gofnod cywir.
(Tudalennau 1 - 10)

1.1. Diweddariadau

Bydd unrhyw ddiweddariadau'n cael eu hychwanegu at yr Agenda fel Pecyn Atodol lle bynnag y bydd modd cyn y cyfarfod.
(Tudalennau 11 - 72)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

4.1

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0700	Grid Ref:	304238.34 250319.23
Community Council:	Builth	Valid Date:	Officer: 21/07/2017 Tamsin Law
Applicant:	Mr & Mrs John Gerald Evans, Brentwood, Builth Wells		
Location:	Land on Brecon Road, Builth Wells, Powys, LD2 3DY		
Proposal:	Outline: Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for the update

Further comments have been received from consultees and a third party.

Consultee Response

Powys Education

Apologies for the delay in responding but as there is spare capacity in both the primary and secondary schools in Builth, the Schools Service would not wish to request a S106 contribution in respect of this development.

Powys Ecologist

Thank you for consulting me with regards to the need for a Habitats Regulations Assessment to be undertaken in relation to planning application P/2017/0700 which concerns an Outline Application for a Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved) at Land on Brecon Road, Builth Wells, Powys, LD2 3DY.

The proposed development is located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC. Given the proximity of the proposed development to a tributary of the River Wye SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the River Wye SAC and/or it's associated features has been considered.

Having reviewed the information provided by the applicant as well as comments received from NRW it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and/or it's associated features – I have attached a copy of the Screening Assessment for your records.

Habitats Regulations Assessment Screening Report

Natura 2000 Site for consideration	River Wye (Code UK0012642)
Plan or Project Name	P/2017/0700 - Outline: Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved) at Land on Brecon Road, Builth Wells, Powys, LD2 3DY.
Brief description of project or plan	
<p>The application site comprises 1 no. field parcel extending to 2.3. hectares, located at OS grid reference SO0423850319. The site lies to the south of the residential estate at Brecon Road named Hillview.</p> <p>The planning application is an outline application with only the means of access to the site considered at this stage, all other matters will be considered at the Reserved Matters stage.</p> <p>Details concerning layout, scale, appearance and landscaping will all be reserved for approval via any subsequent Reserved Matters application. Notwithstanding this, the illustrative layout submitted with the application shows a development of approximately 40 dwellings along with associated car parking and landscaping, with an indicative mix of development:</p> <ul style="list-style-type: none">• 3 bed bungalow x 9• 2 bed semi-detached house x 10• 3 bed semi-detached house x 12• 4 bed detached house x 5• 5 bed detached house x 4 <p>It has been identified that the above mix has been developed to provide a variety of house types and sizes and in direct response to localized market demand.</p>	
Is the project or plan directly connected with or necessary to the management of the site?	No
Description of the Natura 2000 site:	

The River Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive *Ranunculus* beds. There is a varied water-crowfoot *Ranunculus* flora; stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans* is abundant, with other *Ranunculus* species – including the uncommon river water-crowfoot *R. fluitans* – found locally. Other species characteristic of sub-type 2 include flowering-rush *Butomus umbellatus*, lesser water-parsnip *Berula erecta* and curled pondweed *Potamogeton crispus*. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen *Collema dichotum*. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.

The Annex I habitats that are a primary reason for selection of the site are:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

- Transition mires and quaking bogs

The Annex II species that are a primary reason for selection of this site are:

- White-clawed (or Atlantic stream) crayfish
- Sea lamprey
- Brook lamprey
- River lamprey
- Twaite shad
- Atlantic salmon
- Bullhead
- Otter

Annex II species present as a qualifying feature, but not a primary reason for site selection:

- Allis shad

Vulnerability:

- Water quality impacts arising from changing agricultural land-use within the catchment are having direct and indirect effects on the SAC interests through effects of diffuse pollution such as nutrient run-off and increased siltation. The Countryside Council for Wales and Natural England are seeking to address such issues through improved targeting of existing and new agri-environment schemes and through improvements in compliance with agricultural Codes of Practice.
- Water quality is also affected by synthetic pyrethroid sheep-dips and by point-source discharges within the catchment. The impact of sewage treatment works on the SAC is being addressed through the Asset Management Plan process and review under the Habitats Regulations. Loss of riparian habitat is occurring as a result of changes in agricultural land-use practices and other factors, including riverside development and the loss of alder tree-cover through disease. These impacts and concerns over water quality will be identified and actions recommended within the joint The Countryside Council for Wales/Natural England Environment Agency conservation strategy for the river.
- Fishing activities are implicated in the decline of the salmon; initiatives such as the Wye Salmon Action Plan will help to address this issue.
- There is increasing demand for abstraction from the river for agriculture and potable water. The impact of this is still being investigated by the Environment Agency, but maintenance of water levels and flow will be addressed under the review of consents under the Habitats Regulations.
- Demand for increased recreational activities is a source of potential concern for the future. Regularisation of the functions of the competent authorities, currently being sought, should reduce the risk of damage to the SAC as a result of developments for such activities.
- Fish stocking can adversely affect population dynamics through competition, predation and alteration of population genetics and introduction of disease.
- Acoustic barriers (noise/vibration) – Shad and salmon can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works (piling, drilling)
- Artificial barriers restricting migration of allis and twaite shad.

Assessment Criteria

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Site.

Construction activities at the site have potential to result in the release of materials which could result in pollution of the River Wye SAC.

Waste water generated by the proposed development if improperly managed could result in an impact to water quality of the River Wye SAC.

Increased levels of activity of at the site have potential to disturb mobile species for which the River Wye is designated e.g. Otter.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:

- Size and scale

The planning application is an outline application with only the means of access to the site considered at this stage, all other matters will be considered at the Reserved Matters stage.

Details concerning layout, scale, appearance and landscaping will all be reserved for approval via any subsequent Reserved Matters application. Notwithstanding this, the illustrative


	<p>layout submitted with the application shows a development of approximately 40 dwellings along with associated car parking and landscaping, with an indicative mix of development:</p> <ul style="list-style-type: none"> • 3 bed bungalow x 9 • 2 bed semi-detached house x 10 • 3 bed semi-detached house x 12 • 4 bed detached house x 5 • 5 bed detached house x 4 <p>The application site comprises 1 no. field parcel extending to 2.3. hectares, located at OS grid reference SO0423850319.</p>
<ul style="list-style-type: none"> • Land-take 	No land take is required from the River Wye SAC.
<ul style="list-style-type: none"> • Distance from the Natura 2000 site or key features of the site 	<p>The proposed works are located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p>
<ul style="list-style-type: none"> • Resource requirements 	There will be no resources taken from the River Wye SAC.
<ul style="list-style-type: none"> • Emissions (disposal to land, water, air) 	<p>Construction activities have the potential to release materials that if not properly managed could enter the River Wye SAC including sediments and fuel from machinery used.</p> <p>A Drainage Strategy Report by CB3 Consult Ltd dated 14/08/2017 has been submitted with the application. This report identifies the proposed drainage strategy for the development as:</p> <p>Foul drainage – An onsite foul pumping station will be required. A gravity foul drainage network in the adoptable estate road which will drain to the new pumping station, which will then pump to the public sewer.</p> <p>Surface water – soakaway tests undertaken in June 2017 indicated that ground conditions at the site generally will support infiltration methods of disposal of surface water from the proposed development. The surface water drainage strategy presented in the Drainage Strategy Report is therefore private plot infiltration, and an attenuated highway drainage outfall to the Gloew Brook – this arrangement is one option of several to illustrate viability for development of the site.</p> <p>A surface water removal scheme has been identified to enable capacity in the local DCWW infrastructure. The scheme has</p>

	been approved in principle by DCWW for the purposes of planning, and scheme details will be provided as part of information to clear drainage-related planning conditions.
<ul style="list-style-type: none"> Excavation requirements 	<p>There will be no excavation requirements within the River Wye SAC.</p> <p>There will be excavations requirements in relation to the proposed development. These works will be located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p>
<ul style="list-style-type: none"> Transportation requirements 	There will be no transportation requirements from the River Wye SAC.
<ul style="list-style-type: none"> Duration of construction, operation etc. 	<p>Construction is likely to commence once Reserved Matters have been approved and following discharge of any pre-commencement planning conditions.</p> <p>It is anticipated that operation of the development will continue for the lifetime of the site.</p>
<ul style="list-style-type: none"> Other 	N/A.
<i>Describe any likely changes to the site arising as a result of:</i>	
<ul style="list-style-type: none"> Reduction of habitat area 	The proposed development will not result in a reduction in the habitat area of the River Wye SAC
<ul style="list-style-type: none"> Disturbance to key species 	<p>The proposed development is located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p>It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.</p>
<ul style="list-style-type: none"> Habitat or species fragmentation 	<p>The proposed development is located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was</p>

	<p>undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p>It is therefore considered that the proposed development would not result in significant negative impacts through habitat or species fragmentation in relation to key habitats and species for the River Wye SAC.</p>
<ul style="list-style-type: none"> Reduction in species density 	<p>The proposed development is located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p>It is therefore considered that the proposed development would not result in significant negative impacts through reduction in density of key species for the River Wye SAC.</p>
<ul style="list-style-type: none"> Changes in key indicators of conservation value (water quality etc.) 	<p>The proposed development is located approximately 796m from the River Wye SAC.</p> <p>The following information has been provided as part of the application as mitigation in relation to the proposed development:</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, the recommendations included within this report include recommendations regarding protection of the watercourse during construction phase of the development.</p> <p>A detailed Pollution Prevention Plan produced by CB3 Consult dated 06/10/2017 has been submitted with the application. The measures identified in the submitted pollution prevention plan are considered to be appropriate, acceptable and in line with national guidance on this matter.</p> <p>A Drainage Strategy Report by CB3 Consult Ltd dated 14/08/2017 has been submitted with the application. This report identifies the proposed drainage strategy for the development as:</p> <p>Foul drainage – An onsite foul pumping station will be required. A gravity foul drainage network in the adoptable</p>

	<p>estate road which will drain to the new pumping station, which will then pump to the public sewer.</p> <p>Surface water – soakaway tests undertaken in June 2017 indicated that ground conditions at the site generally will support infiltration methods of disposal of surface water from the proposed development. The surface water drainage strategy presented in the Drainage Strategy Report is therefore private plot infiltration, and an attenuated highway drainage outfall to the Gloew Brook – this arrangement is one option of several to illustrate viability for development of the site.</p> <p>A surface water removal scheme has been identified to enable capacity in the local DCWW infrastructure. The scheme has been approved in principle by DCWW for the purposes of planning, and scheme details will be provided as part of information to clear drainage-related planning conditions.</p> <p>It is therefore considered that the development will not result in significant negative impacts to key indicators i.e. water quality of the River Wye SAC.</p>
<ul style="list-style-type: none"> Climate change 	<p>No changes to the River Wye SAC are considered likely from the proposed development as a result of climate change.</p>
<p><i>Describe any likely impacts on the European Site as a whole in terms of:</i></p>	
<ul style="list-style-type: none"> Interference with the key relationships that define the structure of the site 	<p>No impacts considered likely.</p>
<ul style="list-style-type: none"> Interference with key relationships that define the function of the site 	<p>No impacts considered likely.</p>
<p><i>Indicate the significance as a result of the identification of impacts set out above in terms of:</i></p>	
<ul style="list-style-type: none"> Loss 	<p>Not Significant</p>
<ul style="list-style-type: none"> Fragmentation 	<p>Not Significant</p>
<ul style="list-style-type: none"> Disruption 	<p>Not Significant</p>
<ul style="list-style-type: none"> Disturbance 	<p>Not Significant</p>
<ul style="list-style-type: none"> Change to key elements of the site 	<p>Not Significant</p>
<p><i>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</i></p>	
<p>Having reviewed the information submitted regarding the proposed development and measures that will be implemented to prevent potential impacts to the River Wye SAC and its associated features it is considered that the proposed development would not be likely to result in a significant negative impact to the River Wye SAC either alone or in combination with other plans or projects.</p>	

<i>Outcome of screening stage (delete as appropriate)</i>	Not Likely to be Significant Effects
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	Author
<i>Name</i>	Rachel Probert
<i>Organisation</i>	Powys County Council
<i>Date</i>	04/12/2017
<i>Signature</i>	

Representations

An additional representation has been received since the application was published and it appended to this report.

Officer Appraisal

River Wye SAC

The additional comments received from Ecology confirm the stance set by Natural Resources Wales that the development will not have a likely significant effect on the River Wye SAC. As such the application fundamentally complies with the relevant policies within the Powys UDP, TAN5 and Planning Policy Wales.

Third Party Representation

The additional comments received raise concerns regarding neighbour amenity, biodiversity, highway safety, trees and the principle of development. These issues have all been covered in the original report.

Agricultural Land Classification

New agricultural land classification predictions were released by Welsh Government on the 26th November 2017. This classified the land of the application as grade 3b and 4 and therefore is not classified as the best and most versatile agricultural land. As such, it is considered that the loss of this land for residential development would not be contrary to policy ENV1, Planning Policy Wales or Technical Advice Note 6,

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increase housing land supply. The proposed development is for the provision of 40 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters and it is

considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

The recommendation is one of conditional approval subject to a Section 106 agreement to secure amenity space provision within the application site in accordance with fields in trust standards within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

Conditions

1. Details of the 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 30% 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. The affordable dwelling/s shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and 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), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

6. No development shall commence until a scheme for the reduction of the speed of traffic travelling past the new access has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.
7. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the new footway along the B4520 which shall link into the existing footway at the Hill View estate to the north of the site.
8. Prior to the occupation of any dwelling the footway, referred to above, shall be fully completed to the written approval of the local planning authority and retained for as long as the development hereby permitted remains in existence
9. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. No other development shall commence until provision within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area has been completed. This parking and turning area shall be constructed to a depth of 0.300 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.
11. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
12. The gradient of the access road shall be constructed so as not to exceed 1 in 30 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.
13. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
14. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
15. No other development shall commence until the access has been constructed so that there is a clear visibility splay 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 0.26 metres above ground level at the edge of the adjoining carriageway and 77 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.

16. Before any other development is commenced 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 10 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.

17. Prior to the occupation of the any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three spaces excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

18. The width of the access carriageway, constructed as Condition 16 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

19. Prior to the beneficial use of the new access any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

20. Upon formation of the visibility splays as detailed in 15 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.

21. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

22. No storm water drainage from the site shall be allowed to discharge onto the county highway.

23. No development shall commence on site until a comprehensive surface water strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the removal of existing surface water from the offsite public sewerage network as outlined in the Drainage Strategy Report ref C915. No dwellings shall be occupied until the agreed scheme has been completed.

24. Prior to the commencement of development a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

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

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

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.

26. Prior to the commencement of development an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

27. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

28. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

29. Prior to the commencement of development a method statement for the mitigation measures identified within Section 4. of the Preliminary Ecological Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

30. No development shall take place, nor any site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees and hedgerows shown to be retained on the drawing entitled 'Illustrative Layout Only'. The approved scheme shall be carried out throughout the course of the development and shall include:

a) a plan showing the position of every tree and hedgerow on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

b) and in relation to every tree identified a schedule listing:

- information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;

- any proposed pruning, felling or other work;

c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;

- all appropriate tree and hedgerow protection measures required before and during the course of development (in accordance with BS5837:2012).

d) areas of existing landscaping to be protected from construction operations and the method of protection.

31. The works at the site must be undertaken in accordance with the Pollution Prevention Plan (Pollution Prevention Plan, CB3 Consult, Ref. C914/PPP dated October 2017).

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010).
5. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010)
6. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
7. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
8. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
9. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
10. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
11. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
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21. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
22. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
23. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with UDP Policy DC13.
24. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.
25. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.

26. To ensure that any external lighting does not impact on any protected biodiversity features in accordance with TAN5 and UDP policies ENV4, ENV5, ENV6 and ENV7.
27. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
28. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
29. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
30. To ensure that trees and hedgerows are protected and retained during the construction of the site in accordance with policy ENV8 of the Powys Unitary Development Plan (2010) and Technical Advice Note 10: Tree Preservation Orders (1997).
31. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail: tamsin.law@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

5 Hill View
Brecon Road,
Builth Wells, Powys. LD2 3DY

04.12.2017

County Planning, Taxi Licensing
and Rights of Way Committee
The Council Chamber of County Hall
Landrindod Wells
Powys
LD1 5LG

Dear Sirs,

Re: Outline Planning Application P/2017/0700
Proposed Development at Land on Brecon Road, Builth Wells. LD2 3DT
by Mr. and Mrs. J. G. Evans
Architects – Hughes Architects (Mr. Doug Hughes)

I refer to the above proposed planning application and my previous letters of objection dated 11th April, 21st August and 5th September 2017 and would now like to address my serious concerns directly to the Committee today. Unfortunately it is not possible for me to attend personally but I feel so strongly about the proposed development that I feel I must write again.

I am very worried about the safety of the public and the amount of traffic this site would generate on the Brecon Road. Tests have proved that traffic travels at speeds over the existing speed limits and with two already existing junctions close together, one at Hill View and the other nearby at Pen y Bryn, with any additional junctions and increase in traffic this would make Brecon Road very dangerous. There is also the existing bottle neck at the bottom of the hill by Plough Corner. Lorries back and forth to the Co-op, farm vehicles to the Cattle Market and the thought of more heavy lorries to a building site would cause serious problems. May I remind you there is only one narrow pavement here which makes it dangerous for pedestrians, prams and wheelchair users already.

Regarding the site itself, the plans show a number of trees to be planted which will eventually grow to a great height overshadowing the bungalows on Hill View and blocking out sun and daylight. The bungalows on Hill View were built and designed with the lounge at the back to take full advantage of the south facing aspect.

There is also a hedge shown on the plans to run parallel with Hill View. This may seem a good idea in principle but who is to maintain the hedge?

I should also like to draw your attention to the fact that Hill View is, all but for two properties, bungalows and bungalows abutt the field in question. To think about building houses with up to five bedrooms, which will be quite large presumably, will overshadow the existing development on Hill View. The site is steep and any houses built would be on top of the hillside, again overshadowing the bungalows below.

The development of the new site would cause an immense amount of noise, dust and distrupction for all the residents on Hill View which could go on for years to come which is a very worrying prospect.

As I have emphasised before, there are a number of sites available in Builth Wells that already have planning permission. There are also green fields within the bounday which could offer better facilities being closer to the town centre and more level for developing. The Government are also currently talking about land with planning approval that is not being built on and the laws could probably change in the near future regarding those sites.

I am also concerned about the oak trees being some 150 years old and the wildlife in general and distruction of their habitats.

I trust every consideration will be made to my objections to Outline Planning Approval being given to the land adjacent Hill View and how this will affect the decision made regarding the Local Development Plan for now and the future.

Yours faithfully,

Susan E. Straw (Mrs.)

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0583 **Grid Ref:** 301635.35 257744.27

Community Council: Llanyre **Valid Date:** 02/06/2017 **Officer:** Thomas Goodman

Applicant: Mr J Potter, Gara Barton, Hatcherleigh Totnes, Devon, TQ9 7AD

Location: Land Adj to Ridgemount, Newbridge on Wye, Powys, LD1 6LG

Proposal: Outline - Outline planning application for residential development and associated works

Application Type: Application for Outline Planning Permission

Reason for Update

The update report is to provide comments received from Schools Services, to provide clarification regarding the agricultural land classification and to summarise an additional objection to the application.

Consultee Response

PCC Schools Services

Please find below the Schools Service's comments on this planning application.

A contribution is sought in respect of primary education only as there is sufficient capacity at Builth Wells High School to accommodate any secondary aged pupils as a result of this development.

A development of this size is projected to generate 4 additional primary aged pupils. The Authority is seeing an increase in pupil numbers in the catchment and currently three year groups are over the admission no of 17 – Years 1, 3 and 5. As a result a number of admission appeals have taken place.

The Schools Service would therefore wish to submit a S106 bid for funding of £42,138 towards primary school provision at Newbridge-on-Wye Primary School in respect of this development. The methodology used to arrive at this figure is attached.

Newbridge-on-Wye Primary School - P/2017/0583									
Early Years & primary Education contribution per dwelling	3 bedrooms and fewer	0.23(pupils) x £11644.00 X 1.0	£	2,678.12	15	£	40,171.80		
Special Educational Needs	3 bedrooms and fewer	0.0023 (pupils) x £57000 x 1.0	£	131.10	15	£	1,966.50		
							Total Contribution	£ 42,138.30	

Consultation response received 05/12/2017:

Please find attached a spreadsheet which provides 2 sets of data in respect of Newbridge C in W School.

The first sheet (Primary) is the data in relation to the School for the last Census date January 2017, this shows in cell G9 that the school has a calculated capacity of 107, with actual pupil numbers on roll of 111 shown in Cell F9, which gives a school that is already oversubscribed by 4 places.

The second sheet (Primary Projections) provides out estimates of the future pupil numbers at the school based on our statistical analysis, using live birth data and other school choice trends. This sheet shows that based on the current projections we are expecting the demand for places at the school to continue at a level over and above the capacity of the school.

The answer to your last question is that for the Primary Sector of 7 year groups (Reception to Year 6) we expect that we have a primary aged pupil for every four to five dwellings therefore for a development of 19 houses we would expect between 4 and 5 primary aged pupils from this size of development.

Projections of Primary Pupil Numbers 2018-2022									
LA No:	666								
LA Name:	Powys								
School number	School Name	Projected NOR for Jan 17 as reported in Jan 16	Actual NOR at 10 Jan 2017	%age variance	Projected NOR at Jan 2018	Projected NOR at Jan 2019	Projected NOR at Jan 2020	Projected NOR at Jan 2021	Projected NOR at Jan 2022
3031	New bridge-on-Wye C. in W.	106	111	4.6%	117	125	126	130	129

Representations

An additional objection has been received which in summary raises the following concerns:

- Increase in traffic
- Impact on the landscape
- Presence of Red Kites within the area

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5 – Welsh Language and Culture
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV17 – Ancient Monuments and Archaeological Sites
ENV19 – Amenity Open Spaces
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
HP10 – Affordability Criteria
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions
RL6 - Rights of Way and Access to the Countryside

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Schools Services

Powys County Council's School Services have been consulted on the proposed development and have stated that a financial contribution is sought in respect of primary education only. The School Services team has stated that there is sufficient capacity at Builth Wells High School to accommodate any secondary aged pupils as a result of this development. However, a development of this size is projected to generate 4 additional primary aged pupils. The School Services have acknowledged that the Authority is seeing an increase in pupil numbers in the catchment area of Newbridge on Wye and currently three year groups (Years 1, 3 and 5) are over the admission number of 17 as a result a number of admission appeals have taken place.

The Schools Service team have therefore asked that a S106 agreement is sought for funding of £42,138 towards primary school provision at Newbridge-on-Wye Primary School in respect of this development.

Justification has been provided by the School Services team that provides Census data from January 2017 showing that the school (Newbridge on Wye – Primary School) has a capacity of 107 and currently has 111 pupils which means that at present the school is oversubscribed. They have also provided estimates of the future pupil numbers at the school based on statistical analysis and live birth data. This data shows that there will be a demand at a level over and above the capacity for places at the school. It is noted that for a development of this size in this location the School Services team would expect 4 and 5 primary aged pupils.

In light of the above it is therefore considered that a S106 agreement will be required in order to secure the financial contribution towards the school.

Agricultural Land

Policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible. It may be appropriate to safeguard lower quality agricultural land in situations where such land is of particular value to agriculture within the locality. The land classification is a mix of urban towards the north of the site and 3b which is classed as moderate quality agricultural land. It is therefore considered that the proposed development is not located on the best and most versatile agricultural land and therefore complies with policy ENV1 of the Powys Unitary Development Plan (2010).

Concerns raised by members of the public

Highway Safety - Concerns have again been raised in relation to the increase in traffic numbers within the area caused from the proposed development. Highway safety was considered in detail within the original report and focused on the speed restrictions within the locality as well as the visibility splays and the creation of an appropriate access. Powys County Council Highway Authority and the Welsh Government Trunk Road Agency were consulted and have confirmed that the proposed development would not have a detrimental impact upon the highway safety and therefore complies with Policy GP4 of the Powys UDP.

Impact on Landscape – Concerns were raised in relation to the impact the proposed development will have on the character and appearance of the surrounding area. As mentioned within the original report UDP policy HP5 (Residential Development) indicates that

development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site slopes gently upwards to the north of the site away from the dwelling known as Dolithon towards the settlement development boundary of Newbridge on Wye. The indicative site layout details a cul-de-sac formation which is consistent with the surrounding built form and development within the wider settlement.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 19 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Red Kites – Concerns have been raised by an objector about Red Kites located within the surrounding area, although no comments have been received about the Red Kites being present at the site. Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to safeguard and wherever possible enhance the habitats of protected species. This is further emphasised within Technical Advice Note (TAN) 5. Careful consideration has been taken by NRW and Powys County Council's Ecologist with regards to the impact the proposed development would have on protected species. NRW and the Ecologists have stated that the proposed development would not have a detrimental impact upon protected species and biodiversity in the vicinity subject to the attachment of appropriately worded conditions.

The proposed development therefore complies with policies ENV3 and ENV7 of the Powys UDP and TAN 5.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation has now changed from one of conditional consent to one of conditional consent subject to the signing of a S106 agreement to secure a financial contribution to education.

Conditions

1. Details of the 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. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: S.7594-SK01, (03)02 Revision. F, S.7594-SK02, S.7594-SK03, NOW/AP/1B, (00)01 Revision. B & NOW/AP/1B).
5. No other development shall commence until provision is 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 0.35 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.

6. No other development shall commence until the area of the access to be used by vehicles is 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 10 from the edge of the adjoining estate road. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

7. No storm water drainage from the site shall be allowed to discharge onto the adjoining estate road.

8. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

9. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention as identified in the Pollution Prevention Plan produced by Asbri dated September 2017 and maintained thereafter.

10. The development shall be carried out strictly in accordance with the measures identified regarding bats as identified in the Situation Report Ref: Proposed Removal of the Mature Oak, T10 produced by Dusk to Dawn Ecology Ltd dated 27/09/2017 and maintained thereafter.

11. The mitigation and enhancement measures identified in Section 6 of the Extended Phase One Survey produced by Dusk to Dawn Ecology Ltd dated March 2017 shall be adhered to and implemented in full and maintained thereafter.

12. Prior to commencement of development a Tree and Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention.

14. 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.

15. No development shall take place (including, ground works, site clearance) until a CEMP for Great Crested Newt, dormice and bats has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:

(a) Purpose and objectives for the proposed works;

(b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be used);

(c) Extent and location of proposed works shown on appropriate scale maps and plans;

(d) Persons responsible for implementing the works;

(e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction. This to include details concerning:

- the erection of barrier fencing along the edge of the identified Root Protection Zone (RPZ) for the existing trees and hedgerows;
- retention of a short grass sward prior and during the construction phase to discourage use by GCN;
- raised storage of building materials to deter GCN from sheltering on site.
- surface water management schemes that do not include gullypots;
- exterior lighting scheme which will ensure boundary hedgerows will be retained as dark wildlife corridors.

(f) Initial aftercare and long term maintenance (where relevant) of hedgerows

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

16. The minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 90m metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5m metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

17. The centre-line of any existing hedge-row or fence must be positioned not less than 1.0m to the rear of the visibility splay line in both directions.

18. The access shall be at right angles to the trunk road carriageway for a distance of at least 15m, over which it shall not exceed a gradient of +/- 4%.

19. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

20. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5.0m from the running edge of the trunk road carriageway.

21. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.

22. The applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.

23. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB).

24. No development shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the

approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This 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 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

25. 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, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 24 has been received from the Local Planning Authority.

26. 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.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 24, and where remediation is necessary a

remediation scheme must be prepared in accordance with the requirements of condition 25, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 26.

28. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

29. 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 30% of housing units;
- 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;
- 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.

30. The affordable dwelling/s shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and 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), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
9. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's UDP Policies SP3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
11. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
12. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
13. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
15. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

24. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
25. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
26. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
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28. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
29. To ensure the provision of housing to meet the demand for affordable housing in the locality in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.
30. To ensure the provision of housing to meet the demand for affordable housing in the locality in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.

Informative Notes

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Affordable Housing

All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.

Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Trunk Road Agency

The following points should be brought to the attention of the applicant:

A. The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

B. The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

C. Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

D. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

E. Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

F. Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (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 2010 (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

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail: thomas.goodman@powys.gov.uk

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2015/0803 **Grid Ref:** 277025.28 207387.59

Community Council: Ystradgynlais **Valid Date:** 17/09/2015 **Officer:** Gemma Bufton

Applicant: Ystalyfera Wind Energy Ltd

Location: Varteg Hill Land South of Ystalyfera, Neath and Port Talbot.

Proposal: Construction and improvement of access track and improvement to the junction access point to serve wind farm comprising four wind turbines (with tip height upto 115m), internal access tracks, substation building, associated infrastructure

Application Type: Application for Full Planning Permission

REPORT UPDATE

Consultee Response-

Ecologist-

Following my previous report consideration has been given to the quality of the Ecologist comments as attached to my previous report and therefore I attach hereto a clearer copy for Members consideration:

Ecological Topic		Observations
EIA Screening Requirement	Not applicable	The development as a whole falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. Following a Screening Opinion in August 2011 an Environmental Statement has been completed and submitted with the planning application.
<div>Tudalen 34</div> <div>Protected Species and Habitats¹</div>	<div>European Species</div> <div>☒</div>	<p>The following information, suggestions and conditions are based on a review of the details provided in Chapter 6 of the submitted Environmental Statement.</p> <ul style="list-style-type: none"> • One medium – high potential roost building in Farteg Isaf, adjacent to the proposed access corridor, but direct impacts on this building unlikely. • Nine trees of moderate – high potential for roosting bats, mostly adjacent to the proposed access track. However, these trees understood to be retained so no significant impacts have been predicted. • No direct impacts on flightlines or commuting routes used by bats as no tree or hedgerow removal proposed for the access tracks. Disturbance during construction unlikely as construction limited to times of day when bats are inactive.

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

	Local Sites (within 500m) <input type="checkbox"/>	None within 500m.
Invasive Non-Native Species	No	None recorded within the site.
Cumulative Effect	No	This application forms part of a larger application to provide four wind turbines and associated infrastructure. The cumulative effect of the whole development with other developments within 10km has been considered in the ES that has been submitted. No significant cumulative effects on biodiversity have been identified.
<p>Tudalen 35</p> <p>Summary of recommendations / further assessment or work</p>		<p>1) Paragraphs 6.6.26 and 6.6.28 (Chapter 6, Environmental Statement) refer to the main bird breeding season as being March to July inclusive. To accord with RSPB and Powys County Council guidance I suggest that this is extended up to the end of August.</p> <p>2) Paragraph 6.6.6 (Chapter 6, Environmental Statement) proposes agreement of mitigation requirements with Neath CBC, but does not mention the inclusion of Powys CC. I suggest that Powys CC is involved in agreeing mitigation requirements for the element of the development that falls within the Powys unitary boundary.</p>
	Recommended Conditions	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>1) The recommendations and mitigation measures proposed in Section 6.6 (Mitigation) and summarised in Table 6.2.4 of Chapter 6 of the Environmental Statement shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p>

2) Mature Oak and Ash trees that are retained alongside the access track shall be protected from being damaged during the construction works in accordance with BS 5837:2012.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

3) Prior to commencement of development the Site-specific Ecological Mitigation Strategy referred to in Paragraph 6.6.3 (Chapter 6, Environmental Statement) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

4) Prior to commencement of development the Pre-construction Ecological Mitigation Strategy referred to in Paragraph 6.6.5 (Chapter 6, Environmental Statement) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

5) Prior to commencement of development the Habitat Management Plan referred to in Paragraph 6.6.13 (Chapter 6, Environmental Statement) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.

Tudalen 38	<ul style="list-style-type: none"> • 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. <p>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 2010 (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 0845 1300 228 or email enquiries@bats.org.uk</p>
Relevant UDP Policies	<p>UDP SP3 – Natural, Historic and Built Heritage Policy E3 – Wind Power Policy Env 3 – Safeguarding biodiversity and natural habitats Policy Env 5 – Nationally important sites Policy Env 7 – Protected Species</p>

Mae'r dudalen hon wedi'i gadael yn wag yn fwiadol

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1082	Grid Ref:	321185.91 240277.97
Community Council:	Llanigon	Valid Date:	Officer: 27/09/2017 Thomas Goodman
Applicant:	Mr S Hodges, Llanthomas Lane, Waters Edge, Llanigon, Hereford, Powys, HR3 5PU		
Location:	Waters Edge, Llanthomas Lane, Llanigon, Hereford, Powys, HR3 5PU		
Proposal:	Reserved matters application in regards to P/2017/0211 for the erection of a dwelling		
Application Type:	Application for Approval of Reserved Matters		

Reason for Update

The update report is to provide additional comments from Ecologists.

Consultee Response

Powys Ecologist

Thank you for consulting me with regarding the matter reserved planning application P/2017/1082.

Tree and Hedgerow Replacement and Protection Plan

Reviewing the additional information regarding the revised proposed access I note that a section of hedgerow will be required to be removed. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, 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’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, 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 will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Details of a Tree and Hedgerow Protection Plan should be provided under the requirements of condition 5 of the outline application.

Principal Planning Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12 – Design (2016)

Technical Advice Note (TAN) 15 - Development and Flood Risk (2004)

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP5 – Housing Developments

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP4 - Settlement Development Boundaries and Capacities

HP5 – Residential Developments

DC10 – Mains Sewerage Treatment

Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

This update report is to provide additional comments received from the Ecologist.

Biodiversity

Policy ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to ensure that protected species and their habitats are not impacted upon by development and seeks to improve habitats wherever possible. This is further emphasised within Technical Advice Note (TAN) 5.

Biodiversity and protected species were considered under the outline planning application (P/2017/0211) and appropriately worded conditions as recommended by the ecologist were attached to that granting of consent. The ecologist has been consulted on the proposed development and has confirmed that no further information is required, but asked that the applicant is reminded of the conditions as attached to the outline application. In order to ensure that a tree and hedgerow protection plan is submitted prior to the commencement of development as well as a species list for the landscape planting also prior to commencement. Informative notes were attached to the P/2017/0211 consent in relation to birds and bats, in order to ensure that they are well received shall be attached should this application be granted consent.

The proposed development therefore fundamentally complies with policy ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same which is one of conditional consent.

Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: HLND 004, HLND003, HLND005, HLND 002, HLND, HLND010 & HLND011).
3. No other development shall commence until provision is 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 0.35 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.
4. No other development shall commence until the access has been constructed so that there is a clear visibility splay 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 25 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.
5. Upon formation of the visibility splays as detailed 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.
6. Before any other development is commenced 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 5.5 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.
7. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars 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.
8. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 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.
9. Any entrance gates erected shall be set back at least 5.5 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.
10. No storm water drainage from the site shall be allowed to discharge onto the county highway.

Reasons

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

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Informative Notes

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- 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.

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- 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 2010 (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

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0966	Grid Ref:	306333.52 300960.51
Community Council:	Dwyriw	Valid Date:	Officer: 22/08/2017 Gemma Bufton
Applicant:	Mr S Isaac, Plot 2 Adfa, Newtown, Powys, SY16 3DB.		
Location:	Land East of Fron Olau, Adfa, Newtown, Powys, SY16 3DB.		
Proposal:	Outline: Erection of 2 dwellings and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

REPORT UPDATE

Consultee Response

Powys Highways-

The County Council as Highway Authority for the County Class III Highway, C2015

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority are of the opinion that the visibility splay and access improvements should be within the red line development boundary.

HC1 Prior to the occupation of any dwelling 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.

HC4 Prior to the commencement of the development the access to plots 1 & 2 as shown on drawing number 5140/17/03 Rev A 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 160 metres distant in a easterly direction and 59 meters in a westerly 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.

HC4a Prior to the commencement of the development the access to the existing dwellings as shown on drawing number 5140/17/03 Rev A 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 a easterly direction and 33 metres in a westerly 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 commencement of the development the area of the access for plots 1 & 2 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 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.

HC7a Prior to the commencement of the development the area of the access for the existing dwellings 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 5.5 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 occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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.

HC11 Prior to the commencement of the 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.

HC12 The width of the accesses carriageway, constructed as Condition HC7 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.

HC12a The width of the access carriageway, constructed as Condition HC7a above, shall be not less than 5.5 metres for a minimum distance of 5.5 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 occupation of plots 1 or 2 a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC13a Prior to the occupation of plots 1 or 2 a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the existing dwellings and shall be maintained for as long as the development remains in existence.

HC21 Prior to the occupation of any dwelling the area of the accesses to be used by vehicles for plot 1 or 2 is to be finished in a 40mm bituminous surface course for a distance of 10 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

HC21a Prior to the occupation of either plot 1 or 2 the area of the accesses to be used by vehicles is for the existing dwellings to be finished in a 40mm bituminous surface course for a distance of 5.5 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,

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 and HC4a 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 storm water drainage from the site shall be allowed to discharge onto the county highway.

To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. It is considered that the need to increase housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. The recommendation is therefore one of conditional consent.

Conditions

1. Details of the 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. The development shall be carried out strictly in accordance with the plans stamped as approved on XXX (drawing no's: Location Plan 5140/17/01 Rev A and Proposed Block Plan, 5140/17/03 Rev A).
5. Prior to commencement of development, a great crested newts Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the first installation of any external lighting a lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
7. Prior to the occupation of any dwelling 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.
8. Prior to the commencement of the development the access to plots 1 & 2 as shown on drawing number 5140/17/03 Rev A 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 160 metres distant in a easterly direction and 59 meters in a westerly 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.
9. Prior to the commencement of the development the access to the existing dwellings as shown on drawing number 5140/17/03 Rev A 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 a easterly direction and 33 meters in a westerly 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 commencement of the development the area of the access for plots 1 & 2 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 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 commencement of the development the area of the access for the existing dwellings 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 5.5 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 occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space

provided 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 the 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 accesses carriageway, constructed as Condition HC7 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. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5.5 metres for a minimum distance of 5.5 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.

16. Prior to the occupation of plots 1 or 2 a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

17. Prior to the occupation of plots 1 or 2 a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the existing dwellings and shall be maintained for as long as the development remains in existence.

18. Prior to the occupation of any dwelling the area of the accesses to be used by vehicles for plot 1 or 2 is to be finished in a 40mm bituminous surface course for a distance of 10 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.

19. Prior to the occupation of either plot 1 or 2 the area of the accesses to be used by vehicles is for the existing dwellings to be finished in a 40mm bituminous surface course for a distance of 5.5 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,

20. 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.

21. Upon formation of the visibility splays as detailed in 8 and 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.

22. No storm water drainage from the site shall be allowed to discharge onto the county highway.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5:

Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

6. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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