

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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



Dyddiad y Cyfarfod
Dydd Iau, 24 Awst 2017

Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

Amser y Cyfarfod
**9.30 am neu'n ddiweddarach, ar
ddychweliad y pwyllgor o'r ymweliad
safle.**

I gael rhagor o wybodaeth cysylltwch â
Carol Johnson
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Dyddiad Cyhoeddi

AGENDA

1.	YMDDIHEURIADAU
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Derbyn ymddiheuriadau am absenoldeb.

2.	COFNODION Y CYFARFOD BLAENOROL
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 3 Awst, 2017 yn gofnod cywir.

(Tudalennau 1 - 6)

Trwyddedu Tacsis a thrwyddedau eraill
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3.	DATGANIADAU O DDIDDORDEB
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Derbyn unrhyw ddatganiadau o fuddiant o ran yr eitem nesaf ar yr agenda.

4. AMODAU TRWYDDEDU CERBYD

Ystyried yr adolygiad arfaethedig i'r amodau o ganlyniad i'r cwestiynau a godwyd yng nghyfarfod diwethaf y Pwyllgor. Gofynnir i aelodau gyfeirio at adroddiad eglurhaol y swyddog a gyflwynwyd i'r cyfarfod blaenorol.

(Tudalennau 7 - 16)

Cynllunio

5. DATGANIADAU O DDIDDORDEB

- a) Derbyn unrhyw ddatganiadau o fuddiant o ran yr eitem nesaf ar yr agenda.
- b) Derbyn ceisiadau Aelodau bod cofnod yn cael ei gadw o'u haelodaeth o gynghorau tref neu gymuned lle mae trafodaeth wedi'i gynnal ar faterion y bydd y Pwyllgor hwn yn eu hystyried.
- c) Derbyn datganiadau oddi wrth Aelodau o'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolwyr Lleol' o ran ceisiadau unigol sy'n cael eu hystyried gan y Pwyllgor.
- d) Nodi manylion Aelodau o'r Cyngor Sir (nad ydynt yn Aelodau o'r Pwyllgor) a fydd yn gweithredu fel 'Cynrychiolwyr Lleol' o ran ceisiadau unigol sy'n cael eu hystyried gan y Pwyllgor.

6. CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.

Ystyried adroddiadau'r Pennaeth Adfywio a Gwasanaethau Rheoleiddio a gwneud unrhyw benderfyniadau angenrheidiol ar sail rheiny.

(Tudalennau 17 - 20)

6.1. Diweddariadau

Bydd unrhyw Ddiweddariadau'n cael eu hychwanegu at yr Agenda, fel Pecyn Atodol, lle bynnag y bydd modd, cyn y cyfarfod.

(Tudalennau 21 - 46)

6.2. P/2017/0154 Tir yn gyfagos i "The Garage", Adfa, Y Drenewydd, Powys SY16 3DW

(Tudalennau 47 - 82)

6.3. P/2017/0329 Tir yn gyffiniol â Min-y-Fford, Adfa, Y Drenewydd,

Powys, SY16 3DB

(Tudalennau 83 - 120)

- 6.4. **P/2017/0119 Parc Carafanau Wyeseid, Rhaeadr Gwy, Powys, LD6 5LB**

(Tudalennau 121 - 158)

- 6.5. **P/2017/0010 Tir yn gyffiniol â The Fron, Treberfedd, Y Trallwng, Powys, SY21 8EN**

(Tudalennau 159 - 202)

- 6.6. **P/2017/0200 Tir yn gyfagos i Llys Awel, Ffordd y Trallwng, Llanfair Caereinion, Y Trallwng, Powys, SY21 0SF**

(Tudalennau 203 - 232)

- 6.7. **P/2016/0796 Tir i'r de o'r A489 i'r gorllewin o Nant Mochdre, Y Drenewydd, Powys, SY16 4HZ**

(Tudalennau 233 - 298)

- 6.8. **P/2016/0797 Tir i'r gogledd o'r A489 i'r gorllewin o Nant Mochdre, Y Drenewydd, Powys, SY16 4HZ**

(Tudalennau 299 - 342)

- 6.9. **P/2016/1126 Tir ym Mhen y Lan ac yn gyfagos i Woodluston, Ffordun, Y Trallwng, Powys SY21 8NE**

(Tudalennau 343 - 364)

- 6.10. **P/2017/0111 Montgomeryshire Natural Spring Water Co, Crosslikely, Yr Ystog, Trefaldwyn, Powys SY15 6AR**

(Tudalennau 365 - 380)

- 6.11. **P/2017/0647 Tir sy'n ffurfio rhan o Rhallt Field, Lôn Rhallt, Tal-y-bont, Y Trallwng, SY21 9JP**

(Tudalennau 381 - 404)

6.12. **P/2017/0670 Tir yn gyfagos i Nant Y Waen, Abermiwl SY15 6NR**
(Tudalennau 405 - 426)

6.13. **TREE/2017/0025 Tir yn Ysgol Uwchradd Gwernyfed, Aberllynfi, Aberhonddu, LD3 0SG**
(Tudalennau 427 - 434)

7.	PENDERFYNIADAU'R PENNAETH ADFYWIO A GWASANAETHAU RHEOLEIDDIO AR GEISIADAU DIRPRWYEDIG
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Derbyn er gwybodaeth restr o benderfyniadau a wnaed gan y Pennaeth Adfywio a Gwasanaethau Rheoleiddio dan y pwerau sydd wedi'u dirprwyo iddo.

(Tudalennau 435 - 450)

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 3 AUGUST 2017

PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, E M Jones, M J Jones, K Laurie-Parry, H Lewis, I McIntosh, P C Pritchard, D Selby, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors M Barnes, L George, H Hulme and P Roberts.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as correct records the minutes of the meetings held on 12th and 20th July, 2017.

Taxi and other licensing

3.	DECLARATIONS OF INTEREST
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There were no declarations of interest in respect of the next item on the Agenda.

County Councillor R Williams moved to the public seating area for the next item, as he had not completed the taxi licensing induction training.

4.	VEHICLE LICENCE CONDITIONS
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The Committee considered the report regarding the proposed revision of the Authority's conditions for licensed Hackney Carriage and Private Hire Vehicles. Although there is no statutory requirement to consult the taxi trade on the proposals, the Licensing Authority would do so via a Taxi Newsletter.

Members raised the following issues:

- Are the fixings for wheelchairs monitored?
- Do licence holders who use trailers have to undertake a test for their use?
- It was considered that the identification of a vehicle as an Executive Hire was subjective and Members questioned who would in the end be the arbiter.
- In respect of identification and signage displayed on a vehicle the Committee asked that other less invasive options could be considered by the Authority.

RESOLVED	Reason for decision
That the officers consider the issues raised by the Committee,	To enable officers to consider the issues raised by the Committee.

noted above and amend the proposed conditions, as appropriate, for the Committee's further consideration.	
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County Councillor R Williams resumed his place in the Committee.

Planning

5. DECLARATIONS OF INTEREST

- (a) County Councillor K. Laurie-Parry declared an interest in application P/2017/0078 because her husband works for the applicant's parents.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.
- (d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

6. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

6.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

County Councillor K. Laurie-Parry having declared a prejudicial interest left the meeting room for the next application.

6.2 P/2017/0078 Land at Glascwm, Glascwm, Powys

Application No: P/2017/0078

Grid Ref: 315770.54 253230.59

Valid Date: 31/01/2017

Officer: Tamsin Law

Community Council: Glascwm Community Council
Tudalen 2

Applicant: Sheila Powell, c/o Agent

Location: Land at Glascwm, Glascwm, Powys

Proposal: Full: Erection of a single dwelling, creation of access, installation of septic tanks and all associated works

Application Type: Application for Full Planning Permission

Mr McCleave spoke against the application.
Mr A Southerby spoke as the agent.

The Professional Lead Development Management advised that if the Committee was minded to approve the application that delegated powers are given to the Professional Lead Development Management in consultation with the Chair and Vice Chair to include conditions removing permitted development rights for extensions and outbuildings, requiring the submission of a landscaping scheme, which is to include implementation and retention and securing a means of enclosure scheme, which is to include implementation and retention.

In response to questions regarding sustainability the Professional Lead Development Management advised that the proposed development was considered to be sustainable for the scale of development proposed and the village had capacity to accommodate this development of one dwelling. The Committee was advised that Planning Inspectors had at appeals accepted that the development of one house did contribute to the five year housing land supply.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair, to impose conditions in respect of the following:</p> <ul style="list-style-type: none"> • that permitted development rights be removed, • a landscaping scheme be produced, implemented and retained and • a means of enclosure of the site be agreed, implemented and retained. 	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure that the character and appearance of the locality is safeguarded.</p>

County Councillor K. Laurie-Parry resumed her place in the meeting room.

6.3 P/2017/0172 The Rhos, Franksbridge, Llandrindod Wells, Powys, LD1 5SA

Application No: P/2017/0172

Grid Ref: 312042.17 256269.52

Valid Date: 10/02/2017

Officer: Lorraine Jenkin

Community Council: Glascwm Community Council

Applicant: Mr Selfe & Mrs Lewis, The Rhos, Franksbridge, Llandrindod Wells, Powys LD1 5SA

Location: The Rhos, Franksbridge, Llandrindod Wells, Powys, LD1 5SA

Proposal: Outline: Erection of two dwellings, a treatment plant and all associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

The Planning Officer advised that the “local representative” had raised concerns regarding highways issues and that the development was a departure from the settlement limits.

The Professional Lead Development Management, in response to questions, stated that Development Management was not aware of the grade of the agricultural land. He advised that if the Committee was minded to approve the application, it could be subject to the Professional Lead for Development Management to check the grade of the agricultural land and that if this did not comply with policy, he would bring the application back to Committee. The Committee noted that Development Management considered that the village had capacity to accommodate the proposed development.

The Highways Authority confirmed that the track to the site was maintained by the Highways Authority and that the area for providing a passing bay was in the ownership of the Authority.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the Professional Lead for Development Management confirming that the agricultural land complies with planning policy.	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that UDP Policy ENV1, is complied with.

7.	APPEAL DECISIONS
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The Committee received a copy of the Planning Inspectorate's letters regarding the following appeals:

Application P/2016/0535 - VLF Building, Criggion Radio Station, Back Lane, Criggion, Welshpool SY5 9BE. The Committee noted that the Inspector had dismissed the appeal. The Committee also noted that the Inspector had refused an application, by the applicant, for an award of costs.

Application P/2017/0330 - Land adjacent to 26 Palleg Road, Lower Cwtwrch, Swansea SA9 2QE. The Committee noted that the Inspector had dismissed the appeal.

The Committee noted the date of future meetings. A comment was made about the lack of power supply to the tables in the Chamber, Neuadd Maldwyn and why the translation booth was not being used. Officers agreed to look into these issues.

County Councillor D R Price
Chair

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

CYNGOR SIR POWYS COUNTY COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Introduction

In the conditions set out below, the Licensing Authority is Powys County Council.

The Licensing Review Panel comprises 3 elected members of the Council's Licensing Committee and has the authority to determine matters concerning individual licences or applications for licence.

These conditions apply the Council's policy concerning all motor vehicles licensed in Powys as hackney carriages or private hire vehicles.

The purpose of the Council's policy is to promote the safety of the public by ensuring that licensed vehicles are properly insured; suitable in type, size and design; in good mechanical condition; safe; comfortable and easily recognisable by the public as hackney carriages or private hire vehicles.

A proprietor or operator is responsible for a vehicle being licensed and insured, and must ensure that it complies with these conditions.

MOTOR VEHICLE LICENCE CONDITIONS

1. General

1.1 A private hire or hackney carriage vehicle licence will remain in force for up to 1 year (unless suspended, revoked or cancelled).

1.2 The applicant shall pay the appropriate application fees as determined by the Council's Licensing Committee.

1.3 The loss or theft of the vehicle licence, plate or window sticker must be reported to the Licensing Officer immediately.

1.4 A licensed hackney carriage will be entitled to operate from any of the appointed hackney carriage ranks in Powys.

1.5 The licence holder shall notify the Council in writing of any change to his or her name or address during the period of the licence within 7 days of the change.

1.6 Once a vehicle licence has been granted, it cannot be transferred to another vehicle, as there is no legal mechanism for this. However, a licence

can be transferred between proprietors. A separate transfer application form is available for this.

2. Mechanical Condition

2.1 The vehicle and all its fittings shall be kept in a safe, reliable, tidy and clean condition. All relevant statutory requirements (particularly those contained in The Road Vehicles(Construction and Use) Regulations 1986 and associated amendments)* shall be complied with in full. The vehicle shall be kept in good repair and its interior and windows kept clean and maintained fit for public service.

****Copies of The Road Vehicles (Construction and Use) Regulations 1986 (as amended) can be purchased from The Stationery Office Ltd, PO Box 29, St Crispins House, Duke Street, NORWICH NR3 1GN; telephone: 0870 600 5522; fax: 0870 600 5533; e-mail: esupport@theso.co.uk; website: <http://www.the-stationery-office.co.uk/> A consolidated version of these regulations can also be found in Sweet and Maxwell's Encyclopaedia of Road Traffic Law and Practice (Construction and Use) which may be available in larger reference libraries.***

2.2 A vehicle must be submitted to the Licensing Officer for inspection before the grant or renewal of a licence. Additional inspections during the period of the licence may be required at the discretion of the Licensing Officer.

2.3 In the case of vehicles more than 1 year old and less than 8 years from the date of first registration, an MOT certificate issued by a vehicle testing station no more than 28 days prior to the date of application, must be submitted with an application.

2.4 In the case of vehicles more than eight years old from the date of first registration, an MOT certificate issued by a vehicle testing station, no more than 28 days prior to the date of application, must be submitted with an application. A further MOT certificate must be submitted to the Licensing Officer not more than 6 months from the date of issue of the previous certificate. Failure to provide a valid MOT certificate may result in a vehicle being prohibited from use (see paragraph 2.8 below).

2.5 Where a licensed vehicle has been involved in an accident, the Licensing Authority may require an MOT certificate following the repair of the vehicle, and prior to it being brought back into use.

2.6 A valid vehicle registration document and valid certificate of insurance, specifically covering private hire or hackney carriage use complete with schedule, appropriate to the vehicle's intended use, must accompany an application for a private hire or hackney carriage vehicle licence. All of these documents must identify clearly the vehicle to be licensed. If the operator has a fleet insurance policy, a copy is to be submitted at the time of application.

2.7 Vehicles must comply with the requirements of the Road Traffic Acts, together with any Orders and Regulations made under the Act.

2.8 Where a vehicle has been certified fit for use, but later reveals a defect which, in the opinion of an authorised officer of the Licensing Authority, renders it unsuitable for public service, notice will be served on the proprietor, prohibiting the use of the vehicle as a hackney carriage, or for private hire, until the defect has been remedied to the satisfaction of the Licensing Authority. This approach may be taken also where the proprietor of a vehicle fails to provide an MOT certificate in accordance with paragraph 2.5 above, or where a manufacturer has recalled a vehicle for modification.

2.9 Any damage to a hackney carriage or private hire vehicle, materially affecting the safety, performance or appearance of the vehicle shall be reported to an authorised officer of the Licensing Authority by the next working day. The Licensing Authority may prohibit the use of the vehicle in accordance with the terms of condition 2.8.

2.10 Any alteration in the design or construction of a vehicle, or its equipment, subsequent to the issue of an MOT certificate, must be notified to the Licensing Authority immediately.

3. Safety and Design

3.1 On application for the grant or renewal of a vehicle licence, or at the discretion of a Licensing Officer, following an accident, a vehicle must be presented to an authorised officer of the Licensing Authority, for examination at a time and location specified by the officer.

3.2 Vehicles must conform to the specifications and restrictions set out below, namely:

(a) Be fitted with a right hand drive and have at least three points of access and egress, fitted with a mechanism to enable each door to be opened internally and externally.

(b) Be so constructed that the doors open sufficiently wide as to allow easy access to, and egress from, the vehicle.

(c) Internally and externally must be maintained in a safe and clean condition at all times to a standard commensurate with passengers reasonable expectations.

(d) Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986.

(e) No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

(f) A seat belt in good condition shall be available to each passenger.

(g) An installation certificate from a LPGA Approved UK Vehicle Conversion Company, must be provided in the case of vehicles converted to run on LPG.

3.4 The maximum number of passengers carried by a hackney carriage or private hire vehicle will be at the discretion of the Licensing Authority, but will not exceed eight. In determining the number, regard will be given to the numbers of occupants, as stated on the V5, the manufacturer's specifications, current legislation, relevant guidance and best practice.

3.5 Wheelchair accessible vehicles (WAVs) must meet European Community Whole Vehicle Type Approval (EWVTA) either:

- By way of a Type Approval Certificate issued to the vehicle approved to standard type M1
 - By way of a Confirmation of Compliance notification issued after the vehicle has been subject to a Voluntary Individual Vehicle Approval (IVA) test by VOSA and found to meet M1 standard
 - By way of a NSSTA (National Small Series Type Approval) approval to M1 standard
- Further details on type approval can be found at www.gov.uk/vehicle-approval/voluntary-approval

Any WAV fitted with a mechanical lift must produce a current satisfactory LOLER (Lifting Operations and Lifting Equipment Regulations 1998) certificate at the time of licensing.

3.6 Vehicles presented with 8 passenger seats that are capable of carrying wheelchair passengers in addition, are considered to be Public Service Vehicles and cannot be licensed as Private Hire or Hackney Carriage.

Before purchasing a vehicle intended for use as a hackney carriage or for private hire, proprietors or operators may wish to contact the Licensing Authority in order to determine in advance the maximum carrying capacity of the vehicle.

3.7 A vehicle licensed as a hackney carriage or for private hire, shall at all times, carry a standard first aid kit, equipped to the satisfaction of the Licensing Authority, and marked with the plate number of the vehicle.

3.8 A vehicle licensed as a hackney carriage shall, on acceptance of a booking from a disabled person accompanied by a guide, hearing or prescribed assistance dog, carry the dog without additional charge. Similarly, an operator of a licensed private hire vehicle shall accept bookings from, or on behalf of a disabled person, accompanied by a guide, hearing or assistance dog, and shall instruct the vehicle driver to carry the dog without extra charge.

Drivers are able to seek exemptions from these duties only on medical grounds, such as severe asthma, aggravated by contact with dogs or due to other allergies or acute phobias to dogs.

3.9 Any driver of a vehicle licensed either as a Hackney Carriage or Private Hire, which is included on the Local Authorities designated list shall :-

- (i) Transport wheelchair users in their wheelchairs
- (ii) Provide passengers in wheelchairs with appropriate assistance
- (iii) Charge wheelchair users the same as non-wheelchair users

Further information can be found at
www.legislation.gov.uk/ukpga/2010/15/contents

Any driver who suffers from a disability or condition which would make it difficult for them to provide physical assistance can apply for an exemption.

In both cases, drivers will have to make an application to the Licensing Authority for an exemption, supported by evidence from an appropriate health care professional.

3.10 In accordance with the Smoke-Free Premises (Wales) Regulations 2007, smoking inside a vehicle used for public transport is not permitted by a driver or passengers, **and is an offence under the regulations**. Hackney Carriage and Private Hire Vehicles therefore shall be smoke-free at all times and display the legally required signage to this effect.

3.11 For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle.

3.12 CCTV is not mandatory, however where installed:

- (a) The holder of the licence must notify the Licensing authority in writing within 7 days of installing a CCTV system in the vehicle:
- (b) In-vehicle CCTV systems should be fitted safely and securely so as not to pose a risk to the driver, passengers or other road users:
- (c) Equipment must not obscure or interfere with the operation of any of the vehicles standard and or mandatory equipment:
- (d) In-vehicle CCTV systems must not be used to record conversations between members of the public
- (e) The proprietor of the vehicle will ensure that appropriate signage is displayed within the vehicle:
- (f) Follow the guidelines as laid out with the Information Commissioners Office, which can be found at <https://ico.org.uk/for-the-public/cctv/>

4. Identification and Signage

4.1 A hackney carriage or private hire vehicle shall display a plate of a colour and design approved by the Licensing Authority. The plate will show the vehicle licence number and the number of passengers a vehicle is licensed to carry. The vehicle plate shall be fixed to the rear bodywork of the vehicle in a position approved by the Licensing Officer.

4.2 Private hire operators providing Executive Hire may wish to apply for an exemption from the requirements to display a private hire plate because of the nature of their vehicles and their business. The vehicle to be exempted must be:

- An accepted luxury brand Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus.
- American style stretch limousines will also qualify
- The vehicle will be in an immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim
- The vehicle is used for executive or special occasion work only e.g. corporate events, conferences, chauffeured services.

Operators must submit their application using the prescribed form. Any exemption notice issued by the council must be carried in the vehicle along with the plate and produced on request to an authorised officer of the Council or any Police Officer

****Note: It is an offence for a hackney carriage or private hire vehicle not to display a plate approved by the Licensing Authority except for any executive private hire vehicle issued with an exemption notice.***

4.3 No other fittings or signs except those provided for in conditions 4.4 to 4.9 below shall be attached to, or carried on the inside or outside of the vehicle unless approved in writing by the Licensing Authority. A hackney carriage or private hire vehicle plate carries the details of the vehicle to which it is attached. Therefore a plate is not transferable to another vehicle. It remains the property of the Council and must be returned immediately the vehicle ceases to be licensed.

4.4 A hackney carriage or private hire vehicle shall display on the nearside of the windscreen an adhesive label, provided by the Licensing Authority, bearing the vehicle registration number, the hackney carriage or private hire vehicle number, the licence expiry date and the number of passengers the vehicle is licensed to carry.

4.5 Hackney carriages must be distinguished by the display of a roof sign including the word 'TAXI', 'TACSI' or 'CAB' capable of being illuminated. **In exceptional circumstances, on agreement with the licensing authority an illuminated window sign will be permitted.** The sign shall be of a design and size approved by the Licensing Officer, and may include also a trade name and telephone number(s). The word 'TAXI', 'TACSI' or 'CAB' must be visually predominant.

4.6 For private hire vehicles a roof sign bearing a trade name not including any one of the words set out in condition 4.5 is permissible.

4.7 A purpose built metropolitan cab (for example, FX4 and TX1), or any vehicle designed solely for use as a hackney carriage, will not be accepted for licensing as a private hire vehicle.

4.8 Two Advertisements (other than those relating to the operating company), not larger than 600mm² (2 sq ft) in area, or up to a total of six advertisements where they do not exceed 300mm² (1 sq ft), may be displayed on licensed hackney carriage or private hire vehicles. The Licensing Authority must approve the position, design and content of any advertisement, prior to it being displayed on a vehicle. Any such advertisement must be in good taste and considered unlikely to cause offence. A private hire vehicle shall not carry any sign or advertisement connected with a hackney carriage business.

5. Meters and Fares

5.1 The proprietor of a hackney carriage shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound mechanical condition at all times. A Private Hire Operator shall ensure that no private hire vehicle is fitted with a taximeter.

5.2 The taximeter shall be set at no more than the current maximum tariff agreed by the Council and shall be sealed to prevent unauthorised adjustment of that meter. An **approved** calibration certificate signed by the meter installer will be provided to verify the tariff at which the meter has been set. The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

5.3 The proprietor shall ensure that a copy of the current maximum fare table supplied by the Council is on display inside the hackney carriage at all times and that the table is clearly visible to passengers when the vehicle is for hire. In addition where the meter has been set at a different (lower) tariff than this table of fares must also be on display and clearly visible to passengers.

6. Insurance and other Certificates

6.1 A proprietor or operator providing a hackney carriage or a private hire vehicle must ensure that any driver holds a valid joint hackney carriage and private hire vehicle driver's licence and badge, issued by the Licensing Authority.

Note: It is an offence to drive a licensed vehicle without first holding a joint hackney carriage and private hire driver licence, in addition it is an offence for the proprietor of the vehicle if he employs an unlicensed driver to drive a licensed vehicle

6.2 A valid vehicle registration document, MOT certificate and insurance certificate must be produced on request by an authorised officer of the Licensing Authority, at any time during the licensing period.

7. Record Keeping

7.1 In order to enable the Licensing Authority in making a decision in relation to the Council's Intended Use Policy for Hackney Carriages all hackney carriage proprietors will be required to keep a legible record, written or electronic, of all journeys carried out by the vehicle. The following particulars of every journey undertaken shall be recorded

- a) The time and date of pick up
- b) The point of pick-up;
- c) The destination;
- d) Where the journey was pre-booked the name and contact details of the hirer

Where the vehicle is regularly used for a contract e.g. schools, it will sufficient to record the details of the contract i.e. pick-up point / destination / days of week for which contact is effective / date contact commenced / date contact terminated rather than each journey relating to that contract. Records in hard copy must be produced on request by an authorised officer of the licensing authority within 14 days

8. Trailers

Note: It is the responsibility of the driver to ensure that they hold the appropriate category on their DVLA driver licence in order to tow a trailer, they may be required to pass a car and trailer driving test see www.gov.uk/towing-with-car for more information

8.1 All trailers must comply with all regulations relating to the construction and use of trailers.

8.2 The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.

8.3 Trailers shall be equipped with either, • A spare wheel in good condition and the tools to change wheel, or • An emergency puncture repair kit.

8.4 Where fitted, spare wheels shall meet the legal tread depth limit and the tools to change a wheel shall be maintained in good working order.

8.5 Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.

8.6 Trailers shall not be used when plying for hire.

9. Roof Boxes

A roof box may be fitted, providing:

- i) It must comply with Road Traffic (construction and use) Regulations, and be appropriate for the type of vehicle used.
- ii) The roof box must be of enclosed container construction (not an open roof rack with loose cover).
- iii) The roof box must only be used for the purpose of extra luggage, such as golf clubs, large suitcases etc., and not for the carriage of goods or livestock.
- iv) The hirer must be with the vehicle at the time the roof box is in use.
- v) No part of the roof box or fitments to remain on vehicle when not being used for carrying extra luggage.
- vi) No advertising, wording or numbers to be allowed on the roof box.

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

**Planning, Taxi Licensing and Rights of Way Committee
24th August 2017**

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>P/2017/0154</p> <p>Dwyriw</p> <p>305746.64 301004.76</p> <p>10.02.2017</p>	<p>Outline: Residential development of up to 5 dwellings, creation of access and associated works (some matters reserved)</p> <p>Land adjoining 'The Garage' Adfa, Newtown, Powys SY16 3DL</p> <p>Mr T P Richards Maenllengen Adfa Newtown Powys SY16 3DL</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0329</p> <p>Dwyriw</p> <p>306282.14 301102.68</p> <p>24.03.2017</p>	<p>Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)</p> <p>Land adjoining Min-y-Ffordd, Adfa, Newtown, Powys SY16 3DB</p> <p>Mr D T M Jones, Min-Y-Fford, Adfa, Newtown, Powys, SY16 3DB.</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0119</p> <p>Rhayader</p>	<p>Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works</p>

<p>296834.02 268416.04</p> <p>07.02.2017</p>	<p>Wyeside Caravan Park, Rhayader, Powys, LD6 5LB.</p> <p>Mr Nathan Goodyear, The Camping & Caravanning Club</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0010</p> <p>Trewern</p> <p>330432 312640</p> <p>20.01.2017</p>	<p>Outline: Residential development of up to 25 dwellings, construction of vehicular access, car parking facilities and attenuation pond</p> <p>Land adjoining The Fron, Middletown, Powys, SY21 8EN</p> <p>EM & AR Paddock,c/o Agent</p> <p>Recommendation:</p> <p>Consent subject to a Section 106 agreement</p>
<p>P/2017/0200</p> <p>Llanfair Caereinion</p> <p>310686.84 307007.83</p> <p>23.02.2017</p>	<p>Outline: Proposed residential development comprising of up to 42 no. dwellings, formation of estate road and all associated works (all matters reserved)</p> <p>Land adj Llys Awel, Pool Road, Llanfair Caereinion, Welshpool, Powys, SY21 0SF</p> <p>Mr JPR Andrew, Bronheulog, Manafon, Welshpool, Powys, SY21 8BW</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2016/0796</p> <p>Mochdre</p> <p>308602.07 290319.98</p> <p>28.07.2016</p>	<p>Outline: Application for erection of up to 60 dwellings and construction of vehicular access</p> <p>Land to the south of A489 West of Mochdre Brook, Newtown, Powys SY16 4HZ</p> <p>Melrose Developments, Shrewsbury Business Park, c/o Willow House East,</p>

	<p>Shrewsbury, SY2 6LG</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2016/0797</p> <p>Mochdre</p> <p>308602.37 290383.72</p> <p>28.07.2016</p>	<p>Outline: Application for erection of up to 30 dwellings and construction of vehicular access</p> <p>Land to the north of A489 west of Mochdre Brook, Newtown, Powys SY16 4HZ</p> <p>Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury, SY2 6LG</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2016/1126</p> <p>Forden</p> <p>322608.01 301110.5</p> <p>09.11.2016</p>	<p>Outline: Proposed residential development comprising of up to five dwellings and all associated works</p> <p>Land at Pen y lan & adjacent to Woodluston, Forden, Welshpool, Powys SY21 8NE</p> <p>Mr & Mrs DA & OE Williams DA & OE Williams c/o Roger Parry and Partners LLP</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0111</p> <p>Churchstoke</p> <p>327914 293690</p> <p>13.02.2017</p>	<p>Section 73 application to vary condition 2 of permission P/2015/0180 relating to the approved plans</p> <p>Montgomeryshire Natural Spring Water Co, Crosslikely, Churchstoke, Montgomery Powys SY15 6AR</p> <p>Mr P Delves, Crosslikely, Montgomeryshire Natural Spring Water Co, Churchstoke, Montgomery, Powys SY15 6AR</p>

	<p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0647</p> <p>Welshpool</p> <p>324016.07 308909.80</p> <p>14.06.2017</p>	<p>Outline: Erection of a dwelling and detached garage, formation of vehicular access and all associated works (with all matters reserved).</p> <p>Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP.</p> <p>Mr & Mrs Roberts, Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP.</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0670</p> <p>Llandyssil</p> <p>316158.5 292849.37</p> <p>13.06.2017</p>	<p>Outline: Erection of two dwellings and installation of sewerage treatment plant (with some matters reserved)</p> <p>Land adj. Nant y Waen, Abermule, Montgomery Powys SY15 6NR</p> <p>Mr & Mrs Bebb, Waen, Llanmerewig, Abermule, Montgomery, Powys, SY15 6NR.</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>TREE/2017/0025</p> <p>Gwernyfed</p> <p>317182.44 237423.11</p> <p>17.07.2017</p>	<p>Application for works to a tree subject to a tree preservation order</p> <p>Land at Ysgol Uwchradd Gwernyfed, Three Cocks, Brecon, LD3 0SG</p> <p>Powys County Council, Cambrian Way, Neuadd Brycheiniog, Brecon, LD3 7HR</p> <p>Recommendation:</p> <p>Conditional Consent</p>

6.1

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2016/0796	Grid Ref:	308602.37 290319.98
Community Council:	Mochdre	Valid Date:	Officer: 28/07/2016 Tamsin Law
Applicant:	Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury, SY2 6LG		
Location:	Land to the south of A489 West of Mochdre Brook, Newtown, Powys, SY16 4HZ		
Proposal:	Outline application for erection of up to 60 dwellings and construction of vehicular access		
Application Type:	Application for Outline Planning Permission		

The reason for the update

A response has been received from the Powys Education Department and to provide clarification over a point in the original report.

Consultee response

Powys Education Department

A development of this size is estimated to generate 14 secondary aged pupils and there is sufficient surplus capacity at Newtown High School to accommodate this number of pupils.

A development of this size is estimated to generate 21 primary aged pupils. There are a number of primary schools in Newtown. The nearest primary school to the development would be Maesyrrhandir CP School and the school is currently near or at capacity in a number of year groups. However, Ladywell Green Infants School and Hafren Junior School are located nearby and both schools currently have sufficient capacity to accommodate any additional pupils from this development. The Schools Service would not therefore wish to submit a S106 bid in respect of the development.

Officer Appraisal

As a point of clarification, Members attention is drawn to the section entitled Appearance, Layout and Style which states that the site can accommodate thirty dwellings. This should read sixty dwellings.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to the conditions set out in the original Officer report..

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

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2016/0797	Grid Ref:	308602.37 290383.72
Community Council:	Mochdre	Valid Date:	Officer: 28/07/2016 Tamsin Law
Applicant:	Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury, SY2 6LG		
Location:	Land to the north of A489 west of Mochdre Brook, Newtown, Powys, SY16 4HZ		
Proposal:	Outline application for erection of up to 30 dwellings and construction of vehicular access		
Application Type:	Application for Outline Planning Permission		

The reason for the update

Consultation responses received from Powys Education and the Welsh Government Trunk Road.

Consultation Response

Powys Education

A development of this size is estimated to generate 14 secondary aged pupils and there is sufficient surplus capacity at Newtown High School to accommodate this number of pupils.

A development of this size is estimated to generate 21 primary aged pupils. There are a number of primary schools in Newtown. The nearest primary school to the development would be Maesyrrhandir CP School and the school is currently near or at capacity in a number of year groups. However, Ladywell Green Infants School and Hafren Junior School are located nearby and both schools currently have sufficient capacity to accommodate any additional pupils from this development. The Schools Service would not therefore wish to submit a S106 bid in respect of the development.

Welsh Government Trunk Road

I refer to your consultation of 6 June 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A489 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB) with the exception of any agreed Departures from Standard.

2. The junction and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (Drawing Number – SA22302/01/09 and SA22302/01/12).

3. The junction and visibility requirements shall be substantially complete and available for use prior to the occupation of any dwellings associated with the above development..

4. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

5. The applicant shall provide wheel-washing facilities at the construction site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site during the construction stage.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

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) The Applicant shall commission and pay for a Safety Audit of the scheme, (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/15. The Applicant shall agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works.

f) 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.

1. 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.

Officer Appraisal

Following the receipt of further information Welsh Government Trunk Road recommended approval of the application subject to conditions.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to the conditions outline within the update report.

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 in accordance with the plans stamped as approved on xxxx (drawing no: SA22302/01/07, Flood Consequences Assessment, Planning Application Supporting Statement (including Design and Access Statement), Transport Statement and Ecological Assessment Report).
5. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;

- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

7. Prior to the commencement of development a phasing scheme for the provision of housing, affordable housing and the employment land shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

8. The affordable dwellings 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

9. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

10. The recommendations and mitigation regarding habitats, limited public access to Mochdre Brook, badger, bats, dormouse, otter, birds, reptiles and UKBAP species identified in Section 4 of the Ecological Report by Turnstone Ecology dated October 2016 shall be adhered to and implemented in full.

11. Any hedgerow removal shall be undertaken under the supervision of an ecologist licensed to handle dormice, following a hand search by the ecologist for summer dormouse nests or hibernating dormice depending on the season.

12. Prior to commencement of development a Pollution Prevention Plan, with particular regard to site drainage and the close proximity of Mochdre Brook, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. Prior to the commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

14. 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.

15. 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.

16. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB) with the exception of any agreed Departures from Standard.

17. The junction and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (Drawing Number – SA22302/01/09 and SA22302/01/12).

18. The junction and visibility requirements shall be substantially complete and available for use prior to the occupation of any dwellings associated with the above development..

19. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

20. The applicant shall provide wheel-washing facilities at the construction site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site during the construction stage.

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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

6. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).

7. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).

8. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys

Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

9. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

10. 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 Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

11. 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 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

12. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

13. 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, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

14. 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.

15. 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 the Environment (Wales) Act 2016.

16. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 and TAN18: Transport.

17. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 and TAN18: Transport.

18. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 and TAN18: Transport.

19. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 and TAN18: Transport.

20. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 and TAN18: Transport.

Informative Notes

Biodiversity

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 0845 1300 228 or email enquiries@bats.org.uk

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or

- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Dormice - 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 dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Trunk Road

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) The Applicant shall commission and pay for a Safety Audit of the scheme, (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/15. The Applicant shall

agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works.

f) 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.

1. 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.

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

6.2

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2017/0154 **Grid Ref:** 305746.64 301004.76

Community Council: Dwyriw **Valid Date:** 10/02/2017 **Officer:** Eddie Hrustanovic

Applicant: Mr T P Richards Maenllengyn Adfa Newtown Powys SY16 3DL

Location: Land adjoining "The Garage" Adfa Newtown Powys SY16 3DW

Proposal: Outline: Residential development of up to 5 dwellings, creation of access and associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

Reason for the Update

The update report is to be read in conjunction with the original Committee report, presented to Members on the 12th July 2017. Additional information and amendments have been received since the last Committee.

- *Number of proposed dwellings has been reduced from 9 to 5 (4 + 1 affordable unit),*
- *Following a previous Planning committee on 12th July 2017 additional information in respect of sustainability and Welsh language and culture consideration has been provided by the applicant.*

Census Information:

- 2001:

	All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
Number	1805	137	47	29	339	87	1166

Source 2001 Census: Knowledge of Welsh – Rhiwcyron ward

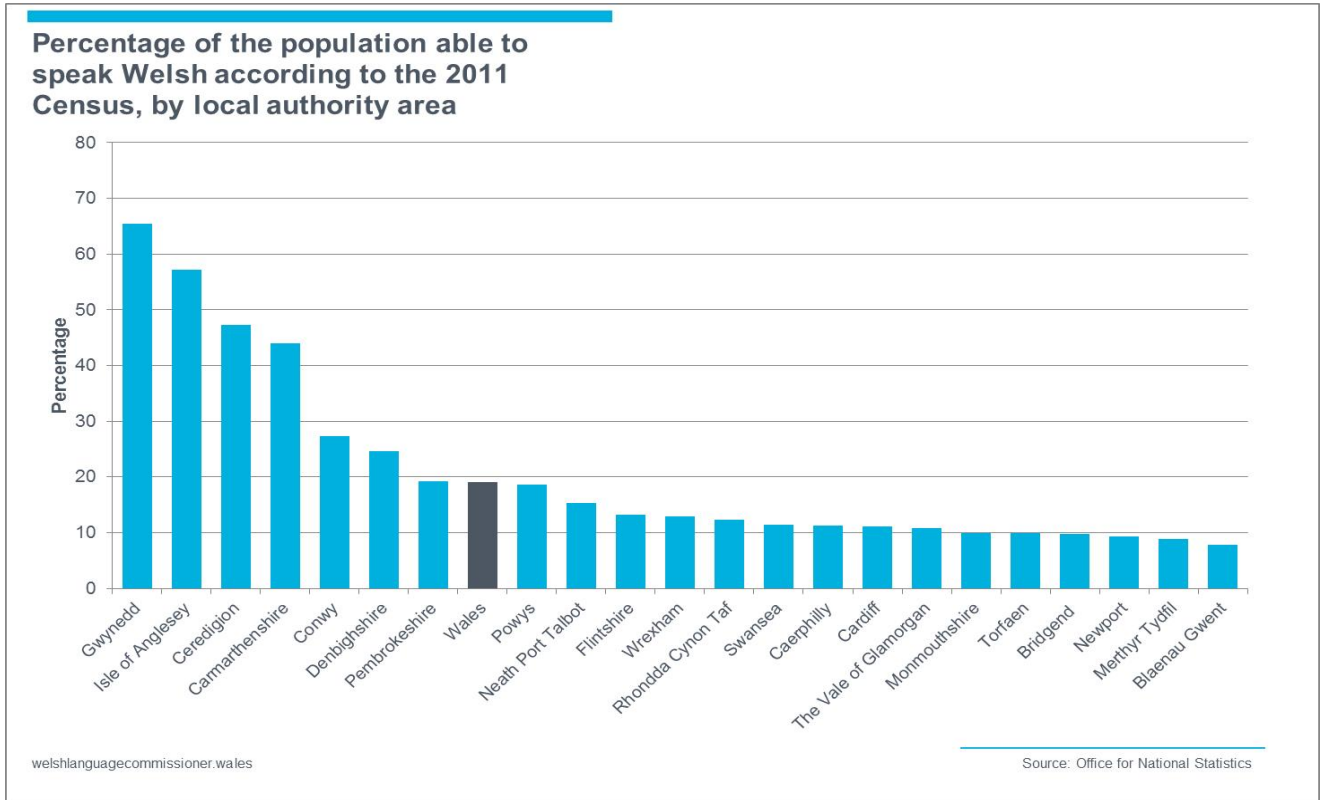
- 2011:

	All usual residents aged 3	Understands spoken Welsh only	Speaks but does not read	Speaks and reads but	Speaks, reads and	Other combination of skills	No knowledge of Welsh
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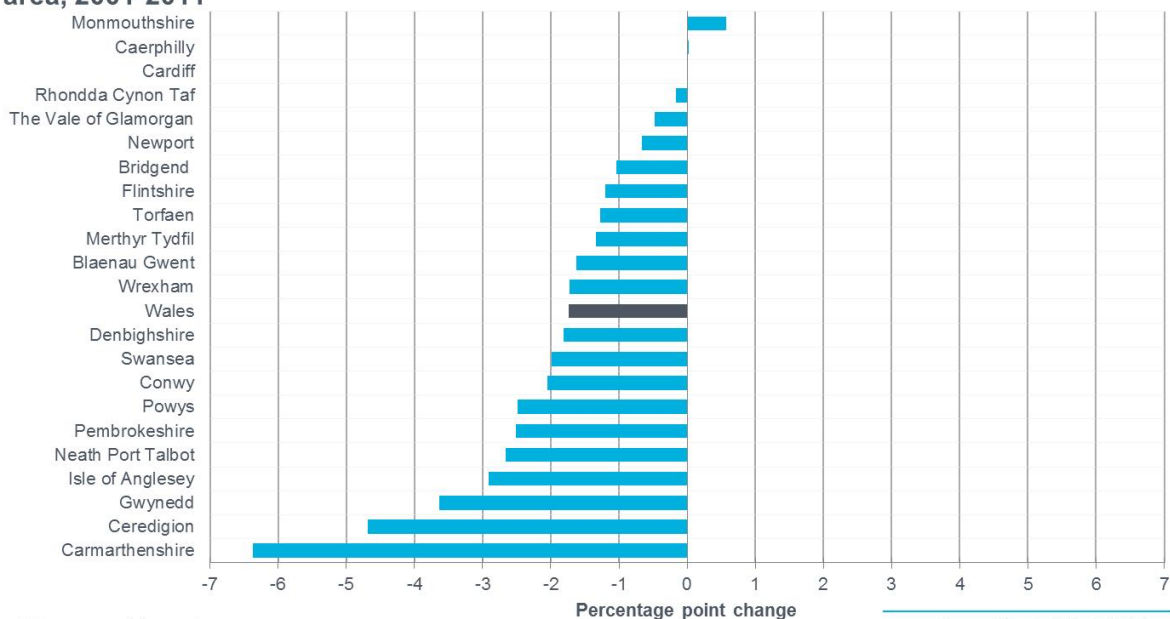
	and over		or write Welsh	does not write Welsh	writes Welsh		
Number	2116	161	64	31	366	78	1416

Source 2011 Census: Welsh Language Skills – Rhiwcyron ward

Welsh Language Commissioner Information:



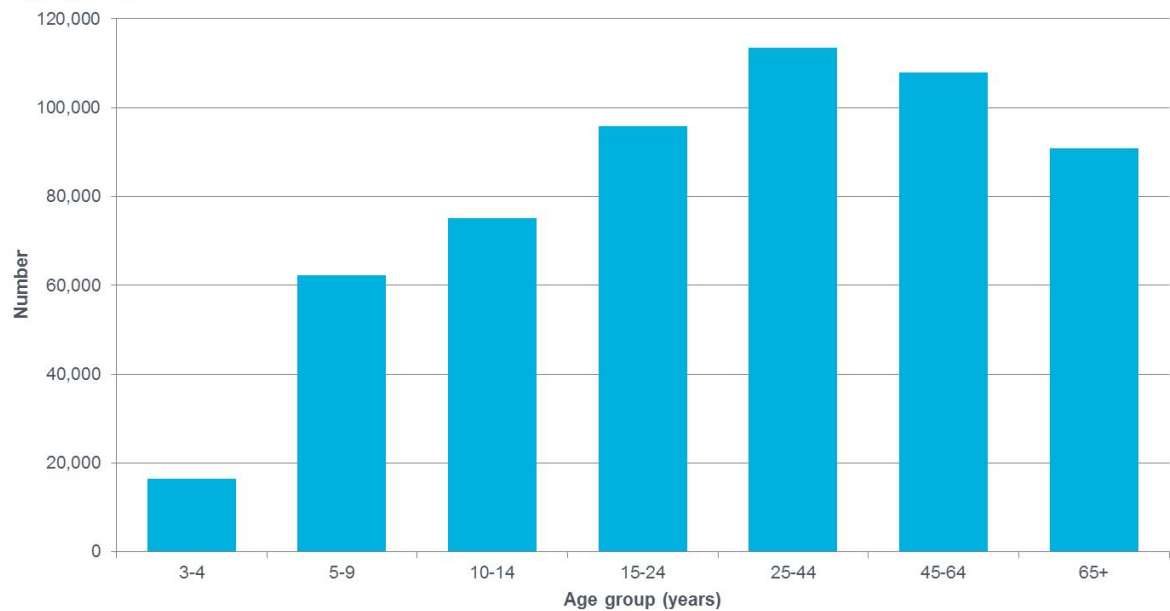
Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics

Number of people able to speak Welsh in Wales according to the 2011 Census, by age group



welshlanguagecommissioner.wales

Source: Office for National Statistics

Community: Dwyriw

able to speak Welsh

Age	2011 %	2001 %	2011 Number	2001 Number
3+:	26.6	33.7	149	154
3-15:	59.8	73.4	52	58
16-64:	20.1	21.5	73	66
65+:	21.6	42.3	24	30

Number of residents aged 3 and over:

Census	Number
2011	561
2001	457

Planning Policy

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area.

Adfa (Dwyriw) is a settlement where the Welsh language has been identified within the UDP as being important to the social, cultural and community fabric. 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. In terms of housing provision, one way in which the developer can demonstrate that the language has been taken into account is by ensuring that there is provision of affordable homes. This approach does not seek to restrict occupancy on grounds of linguistic criteria but recognises that those meeting the affordable housing eligibility criteria are more likely to be able to support the Welsh language and culture.

Powys Unitary Development Plan

On a local level, Powys UDP Policies SP1 (Social, Community and Cultural Sustainability), and Policy GP5 (Welsh Language and Culture) give significant guidance to the Welsh Language.

- *Policy SP1 (Social, Community and Cultural Sustainability), states as follows:*

“In assessing proposals for new development due regard will be given to the need to sustain and where possible enhance the social, cultural and linguistic characteristics of the area and to the contribution that the proposal can make towards meeting the needs of local communities and residents”.

- *Policy GP5 (Welsh Language and Culture), states as follows:*

“In the following settlements, the Welsh language has been identified as being important to the social, cultural and community fabric.

Within the identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh language and culture, including through the provision of an appropriate level of affordable housing.

ABERCEGIR	DOLANOG	LLANWDDYN
ABERCRAF	DERWENLAS	LLANWRIN
ABERHOSAN	ESGAIRGEILIOG CEINWS	LLAWR Y GLYN
ABERTRIDWR	FOEL	LOWER CWMTWRCH
ADFA	FORGE	MACHYNLLETH
BONT DOLGADFAN	GLANTWYMYN	PENEGOES
CAE HOPKIN	GURNOS	PENRHOS
CAER BONT	LLAN	PENYBONTFAWR
CAER LAN	LLANBRYNMAIR	PONTROBERT
CARNO	LLANERFYL	TALERDDIG
CEFN COCH	LLANFAIR CAEREINION	TREFEGLWYS
CEMMAES	LLANFIHANGEL	UPPER CWMTWRCH
COELBREN	LLANFYLLIN	YSTRADGYNLAIS
COMMINS COCH	LLANGADFAN	YNYS ISAF
CWM LLINAU	LLANGYNOG	YNYS UCHAF
CWMGIEDD	LLANRHAADR YM MOCHNANT	
DAROWEN	LLANSILIN	

Technical Advice Note 20 (Planning and the Welsh Language) 2013

While on national level, Technical Advice Note 20 (Planning and the Welsh Language 2013) notes that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reserve this trend.

With regards to the Development Management function, Tan 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Planning Policy Wales (2016):

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 seeks to improve the social, economic, environmental and cultural well-being of Wales. It contains seven well-being goals which certain public bodies (including local authorities) must seek to achieve in order to improve the well-being both now and in the future. One of the well-being goals is:

‘A Wales of vibrant culture and thriving Welsh Language’

This well-being goal will be achieved through a ‘society that promotes and protects culture, heritage and the Welsh Language and which encourages people to participate in the arts, and sport and recreation’.

Officer Appraisal

Welsh Language

The following analysis of the census information provides an indication of the health of Welsh Language within the Rhiwcynon ward which the application site is located:

- Number of people aged 3 and over within the Rhiwcynon ward has increased by 311 between the 2001 and 2011.
- The number of people (people aged 3 and over) who understand Welsh only, has increased from 26% of the population to 30% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak but cannot read or write Welsh has increased from 75% of the population to 76% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak and read but cannot write Welsh has decreased 1.6% of the population to 1.4% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak, read and write Welsh has decreased from 18% to 15% between 2001 and 2011.
- The number of people (people aged 3 and over) with other combination of skills in Welsh has decrease from 4.8% to 3.6% between 2001 and 2011.

- The number of people (people aged 3 and over) with no skills in Welsh has increase from 64% to 66% between 2001 and 2011.

As noted by Welsh Language Commissioner Information Census results in Dwyriw community amounted to 33.7% percent of Welsh speakers in 2001, while 2011 census indicated a 7.1% decline in Welsh speakers to 26.6%.

Adfa has been identified where the Welsh language has been identified as being important to the social, cultural and community fabric. The village includes a Chapel, community centre, garage, post-box, protected play area and a part-time post office. It is considered that the introduction the five proposed dwellings could help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities.

With regards to the scale of the development, when the application was originally submitted it proposed nine dwellings. This was not considered to be sustainable by Development Management as the development would swamp the village of Adfa to the detriment of amongst other things the Welsh language and culture. The five dwellings currently proposed are considered to be a more sustainable scale and appropriate from a village growth perspective. This stance is the based of the facilities located in close proximity of the site and nearby larger settlements such as Tregynon and Welshpool. In light of the limited scale of the development, no phasing condition is considered necessary to control the number of dwelling constructed at one time.

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and

disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

In conclusion, Development Management considers that applicants' assessment determines that the reduced numbers of dwellings from nine to five (with provision of a single affordable unit) is not considered to have a significant detrimental impact on the Welsh Language and culture.

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. The proposed development is for the provision of 5 dwellings in what is considered to be a sustainable location given the existing services in Adfa and in nearby settlements. 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. It is recommended that the application is approved subject to the conditions set out below.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2015 highway (drawing no: RPP/TW/JOB05-03).
5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.
6. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;

- 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

7. The affordable dwelling 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.

8. A lighting plan showing the location and specification for any proposed lights on the site shall be submitted at the same time as the reserved matters referred to within Condition 1. The plan will include directing lighting away from retained and proposed trees and hedgerows around the application site and the use of downlighting to ensure suitable foraging and commuting habitats to remain unlit. The approved plan shall be implemented prior to the occupation of any of the dwellings.

9. All landscape works shall be carried out in accordance with the details approved at the reserved matters stage. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

11. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.

12. Before any other development commences 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.

13. 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. The parking areas shall be retained for their designated use in perpetuity.
14. 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.
15. Prior to the construction of any dwelling 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.
16. The width of the access carriageway shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
17. Prior to the occupation of any dwelling a radius of 6 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.
18. Prior to the occupation of any dwelling a 2.0 metre wide footpath shall be provided on the both sides of the site access and along the full frontage of the site onto the existing county class III road, C2015 and shall be retained for as long as the development hereby permitted remains in existence.
19. 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.
20. 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.
21. 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.
22. Upon formation of the visibility splays as detailed in Condition 12, 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.
23. 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.
24. 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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
8. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 8, 2016).
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.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Informative Notes

- This development may affect a statutory Right of Way - Public Footpath 36. Developers should contact Powys County Council Rights of Way team prior to any works commencing.

Birds - Wildlife and Countryside Act 1981 (as amended)

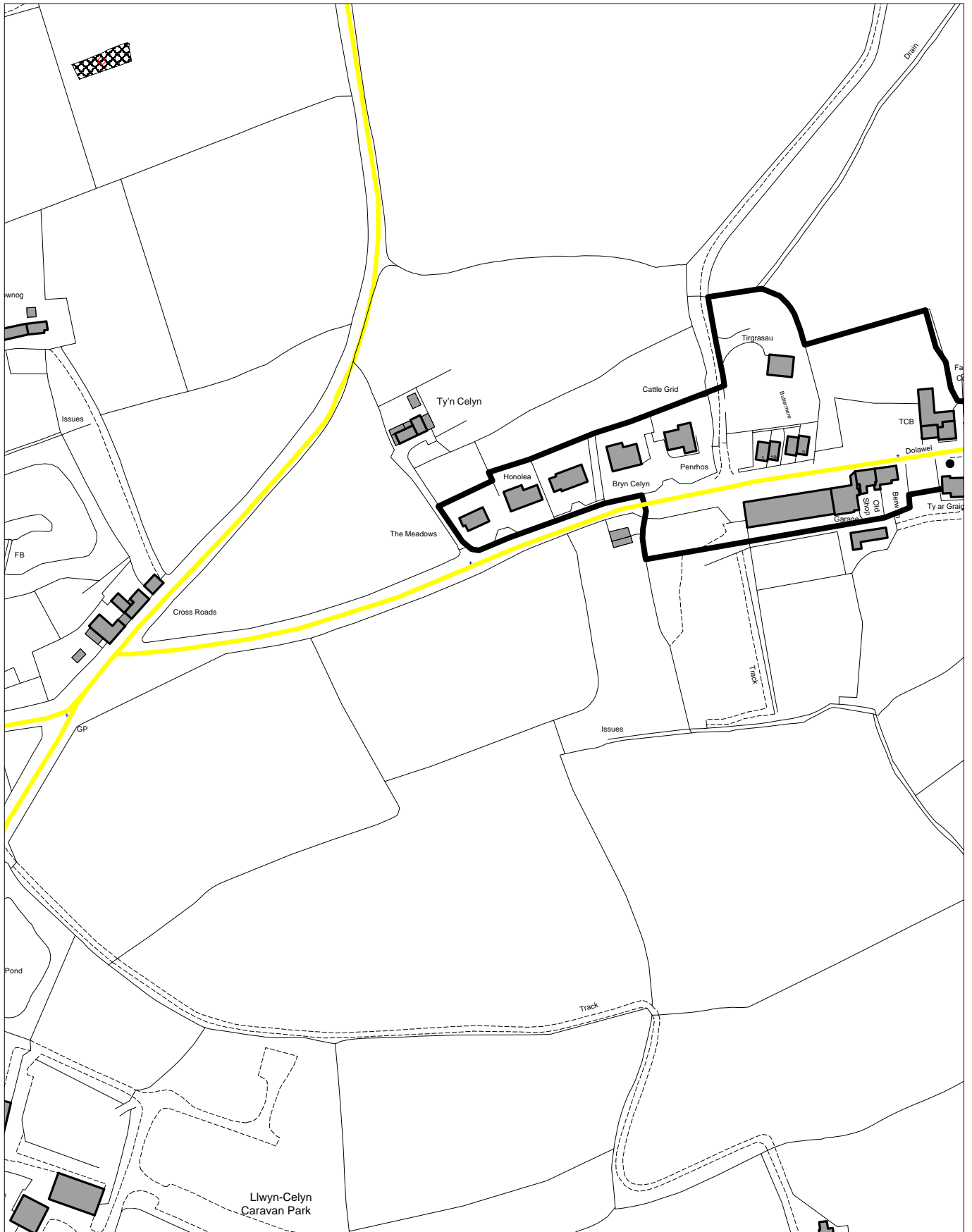
All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- 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.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail: edin@powys.gov.uk



Cyngor Sir

County Council

Printed by:

Date:

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

Committee Report 12th July

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0154	Grid Ref:	305746.64 301004.76
Community Council:	Dwyriw	Valid Date:	Officer: 10/02/2017 Eddie Hrustanovic
Applicant:	Mr T P Richards, Maenllengen, Adfa, Newtown, Powys SY16 3DL		
Location:	Land adjoining The Garage, Adfa, Newtown Powys SY16 3DW		
Proposal:	Outline: Residential development of up to 9 dwellings, creation of access and associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposal is a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located on the western side of Adfa, along C2015 highway and to the south of cluster of existing properties. Adfa is classified as a Large Village within Powys Unitary Development Plan (insert map M103) and the site is adjacent to the designated settlement boundary. The Garage (tyre depot) is to the east of the site as well as the centre of the village. The site is currently in agricultural use and forms part of a larger field which is bound by a hedgerow on the northern boundary facing the County highway, a stock proof fence and hedgerows along the eastern, southern and western boundaries, while disused small agricultural building is located on the eastern corner of the application site/field.

The application is submitted in outline with access to be considered at the outline stage for the erection of up to nine detached dwellings. The proposal will consist of;

- Seven, open market four bedroom detached houses (125m² to 180m²) with detached garages; and
- Two, three bedroom semi-detached affordable units with single garages (up to 130m²).

The indicative layout indicates that access would be gained off the C2015 highway, opposite the existing bungalows, with an adoptable road leading to a private drive providing access, turning and parking facilities for each dwelling. The application site has an area of 0.68 hectares.

Consultee Response

Dwyriw Community Council

Dwyriw Community Council has no objection to this application but would like the following points to be taken into consideration:

- There is concern about the high number of dwellings proposed at this stage.
- The impact on the traffic and highway due to the large number of extra vehicles associated with a development of this size.
- Current services and facilities are very limited in the village of Adfa.

PCC - Highways

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material 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.

HC9 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. The parking areas shall be retained for their designated use in perpetuity.

HC10 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.

HC11 Prior to the construction of any dwelling 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 access carriageway shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of any dwelling a radius of 6 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.

HC17 Prior to the occupation of any dwelling a 2.0 metre wide footpath shall be provided on the both sides of the site access and along the full frontage of the site onto the existing county class III road, C2015 and shall be retained for as long as the development hereby permitted remains in existence.

HC19 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.

HC20 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.

HC22 Within 30 days from the commencement of the development 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.

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 Condition 12, 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.

HC31 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.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

Wales & West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry. Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes

owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

PCC - Rights of Way

Countryside Service confirms that a public footpath 36 will be obstructed by the proposed development. We note that the development drawing does acknowledge the existence of the public footpath 36 and has incorporated it into the development on a diverted line. The success of incorporating public rights of way into a development scheme depends on ensuring that they are well catered for at design stage and some thought is put in as to their future maintenance. Unfortunately, this has not always been the case with developments throughout Powys. Poor design has often burdened Powys County Council with unresolvable maintenance issues.

We would therefore recommend that the developer discusses the details of any proposed diversion with Countryside Services before the development is finalised. Consideration should be given to:

- Width of a public right of way especially if it is to be enclosed.
- The surface of a right of way depending on its status and location.
- Clear responsibility of future maintenance including boundaries and surfacing.
- Lighting depending on location
- Proximity of car parking (i.e. potential to block access)
- Attention paid to least restrictive access (Equalities Act 2010)
- Associated development such as fencing and gates.
- Diverting a public right of way

Please see Powys County Council's 'Rights of Way and Development - A Practitioners Guide', for more information. Available from Countryside Services' or Planning Services'

upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0> We would advise that until an application has been processed and confirmed no development can take place over the definitive line of the affected right of way. As the process will likely take a minimum of 6 months with no complications we would strongly urge the applicant to apply for a public path order as soon as possible to avoid works being held up. It should also be noted that new structures on a diverted right of way such as field gates would need to be licenced for under separate legislation. For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.68 hectares and includes up to 9 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service. The application site appears to be located within an improved grassland agricultural field and is bounded by a hedgerow to the north and partially to the east.
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	There are no historical records of European protected species from the application site and the majority of the habitat at the site does not appear suitable to support such species. The northern boundary hedgerow could provide commuting and foraging habitat for bat species, and other nocturnal wildlife. It would seem likely that the creation of the new footpath would require the removal of the northern boundary hedgerow, with a new hedgerow planted along the new boundary (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated

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

		<p>to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are no historical records of UK protected species from the application site and the general habitat does not appear suitable for such species. However, the northern boundary hedgerow would appear to provide suitable nesting habitat for some bird species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are a Section 7 Priority Habitat within Wales and it appears that the hedgerow that borders the north of the site is to be removed and replaced with a new hedgerow (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>The proposals to plant additional new hedgerows to the southern and eastern boundaries and new trees within the development are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and the Species List will be required for approval by the local planning authority as part of a</p>

		biodiversity enhancement plan for the site.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See previous observations.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the 2km search area.
	National Sites ³ <input type="checkbox"/>	None within the 2km search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within 500m.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with this application.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		<p>It would seem likely that the creation of the new footpath would require the removal of the northern boundary hedgerow, with a new hedgerow planted along the new boundary (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>The proposals to plant additional new hedgerows to the southern and eastern boundaries and new trees within the development are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and the Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan, including a Species List for the landscape planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> 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 the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>N/A</p>

PCC - Environmental Health

I am concerned about locating residential dwellings next to the garage unit due to potential noise issues from the adjacent business. Upon visiting the site I note that there are a number of dwellings in closer proximity to the garage than those in the application, therefore I have no objection to the application. Could STW please confirm that the mains drainage has sufficient capacity to accommodate the additional waste.

Representations

Following the display of site notice and publicity in the local press, one representation of objection has been received. In summary comments relate to;

- Lack of mobile phone signal in the area;
- Bad internet signal;
- Lack of bus service;

- No local shop;
- Lack of social activities;
- The proposal will increase vehicular movements, increase pollution, and place extra pressure on sewage disposal facilities.

Planning History

No recent planning history noted.

Principal Planning Constraints

- Public Right of Way 246/36z/;
- C2015;
- Outside designated settlement boundary.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1: Joint Housing Land Availability Studies (2015)
 TAN 2: Planning and Affordable Housing (2006)
 TAN 5: Nature Conservation and Planning (2009)
 TAN 6: Planning for Sustainable Rural Communities (2010)
 TAN 12: Design (2016)
 TAN 15: Development and Flood Risk (2004)
 TAN 18: Transport (2007)
 TAN 23: Economic Development

Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability
 UDP SP2 - Strategic Settlement Hierarchy
 UDP SP5 – Housing Developments
 UDP SP6 – Development and Transport
 UDP GP1 – Development Control
 UDP GP2 – Planning Obligations
 UDP GP3 – Design and Energy Conservation
 UDP GP4 – Highway and Parking Requirements
 UDP ENV1 – Agricultural Land
 UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP CS3 – Additional Demand for Community Facilities
UDP HP3 – Housing Land Availability
UDP HP4 – Settlement Development Boundaries and Capacities
UDP HP5 – Residential Developments
UDP HP6 – Dwellings in the Open Countryside
UDP HP7 – Affordable Housing within Settlements
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP10 – Affordability Criteria
UDP TR2 – Tourist Attractions and Development Areas
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Residential Design Guide (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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

Principle of Development

National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint. PPW states that new house building away from established settlements should be strictly controlled. It goes on to advise that isolated new houses in the open countryside require special justification. The Council's current planning policy, Powys Unitary Development Plan 2010 (UDP), states that outside settlement development boundaries, proposals for new residential development are only approved in exceptional circumstances, where they comply with UDP Policies HP6 (Dwellings in the Open Countryside), HP8 (Affordable Housing adjoining Settlements with Development Boundaries) or HP9 (Affordable Housing in Rural Settlements).

Given the site's location, adjacent to the settlement development boundary of Adfa, UDP Policy HP8 would normally require 100% affordable dwellings on such a site, as an exception to normal housing policies and where there is an identified, proven need. Although the application proposes two affordable units, the remaining dwellings would be open market dwellings. The proposed development would result in open market residential development

outside of the defined settlement boundary and would therefore be contrary to the Unitary Development Plan.

Taking into account the policy context, the consultee and public responses, and the site constraints the main issues are considered below.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2016) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies. Members are advised that the lack of housing land supply should be primarily considered on a county-wide basis. Four sites were allocated within the UDP for residential development and these sites have been developed.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application.

However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Adfa is designated as a large Village within Powys Unitary Development Plan (UDP), with four allocated sites for residential development which have been completed in the recent years. In addition, UDP recognises that further opportunities for frontage infill development may exist within the settlement, and that there may be other opportunities for affordable housing adjacent to the settlement development boundaries and within the nearby rural settlements of Llanwyddelan, Llanllugan and Pantycrai. Policy HP4 indicates that Large

Villages such as Adfa may be capable of accommodating an additional 10 dwellings on windfall sites without exceeding the overall capacity of the settlement. Based on the current need for housing supply within the county it is considered that there is sufficient justification for the proposed development and that the scale of the proposal would not significantly exceed the capacity of the settlement.

Principle of sustainable development

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore PPW, it states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided, unless special circumstances apply in compliance with provisions of TAN6.

The public representation is acknowledged, however it is noted that the village is served by a range of community service, although limited in nature, nevertheless a post office does operate on a part-time basis, there is a bus service to Welshpool, and there is a Community Hall and children's play area.

Therefore, on balance Officers consider that additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Affordable housing provision

Given that the proposal is for more than five dwellings, the UDP requires a proportion of affordable housing. UDP Policy HP7 states that a proportion of affordable housing will be sought based on the extent and type of need as identified by the Council's Housing Needs Survey, successive surveys or other reliable robust data sources and the nature of the site.

In this instance the proposal indicates the provision of two affordable units

The applicant has offered to provide on-site provision of two affordable dwellings. This equates to a 22% provision which is below the 30-35% proportion advised that is normally achievable within the UDP.

The updated Affordable Housing Topic Paper (September 2016) which was produced to inform the LDP preparation recognises that that the Severn Valley area of Powys, of which Dwyriw is located, will viably be able to provide a 20% affordable housing contribution.

Therefore, on this basis, it is considered that the proposed level of affordable housing (two units) is acceptable and a condition should be attached to restrict the floor space of the dwellings to that set out within the UDP (130 square metres) as well as removing permitted development rights.

Design and layout and impact upon surrounding area – landscape and visual impacts

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst design and layout are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. The indicative layout and scale indicates nine, two storey dwellings, some with garages sited off the adoptable and private road. The layout demonstrates that the site can accommodate nine dwellings and detailed design would follow at reserved matters stage, if this outline application receives consent which would provide the opportunity to ensure that the dwellings have an acceptable appearance and design. The immediate surrounding properties consist of a mixture of one and two storey detached properties with a mixed palette of materials; including brick and render. Therefore, the proposed scale of two storeys is not considered to be out of character with the locality. The indicative layout provides a layout which results in the front elevations of the dwellings facing to the public highway which is recommended by Powys Residential Design Guide. The majority of dwellings at Adfa face onto the public highway and are set back with access driveways off the highway.

In terms of landscaping, the submission indicates that the proposal would provide an opportunity to provide additional native landscaping which would assist in mitigating visual impact. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and public rights of way and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite the cluster dwellings at Adfa and along the approach road to the Village, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact, the proposed scale of nine dwellings is considered to reflect the character of the development that has occurred along the highway at Adfa, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area. Therefore, the proposal is considered to comply with UDP Policy ENV2.

Public Right of Way

Countryside Service confirms that a public footpath number 36 will be obstructed by the proposed development, however Officers note that the development drawing does acknowledge the existence of the public footpath 36 and has incorporated it into the development on a diverted line. However in this instance it is recommended to place an informative on the decision notice drawing the attention to the applicant/developer in respect of the Public Right of Way route and their responsibilities to that regard.

Given that the applicant has acknowledged the existence of the public footpath and has incorporated it into the development on a diverted line, it is not considered that the proposal

would have an unacceptable adverse effect upon the environmental setting of established tourist attractions in accordance with UDP Policy TR2.

Residential amenity

Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is located opposite (across the C2015 highway) number of properties at a distance of approximately 20-23 metres from the northern boundary of the application site. The existing dwellings are also set back from the highway, with intervening hedge between.

The Residential Design Guide states that the acceptable distance between front elevations should normally be determined by character of road widths in the area. Whilst the layout is indicative to demonstrate that nine dwellings can be achieved on the site and as such the detailed layout will be considered at reserved matters stage. Given the separation of the site by the highway from the cluster of dwellings opposite the site, it is considered that there is sufficient distance across the intervening highway to ensure the protection of amenities enjoyed by the existing and proposed occupants. In addition, further consideration can be given to this element when the detailed design is considered.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in this instance given the separation of the site by intervening highway it is considered that overshadowing will not be an issue. However this could be further controlled at the reserved matter stage.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highways and Infrastructure

Access would be gained via newly created access point to the north of the application site, and the indicative plan demonstrates that adequate highway access including visibility, turning and parking would be provided within the site in accordance with UDP Policy GP4.

The Highway Authority has not objected to the proposal and has recommended conditions to mitigate any impact upon the highway network and taking into account this advice, subject to the use of conditions, it is considered that the proposal would make adequate provision for highway access, parking and turning in accordance with UDP Policy GP4.

Foul sewage disposal

It is proposed to connect to the public sewerage system which is the preferred method of disposal. The public comments note the sewage disposal issues however Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Severn Trent Water has advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

Surface water disposal

UDP Policy DC13 requires proposals to make adequate provision for land drainage and surface water disposal. The submission states that surface water would be disposed of via soakaways but no further details have been provided at this stage.

The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design. The use of soakaways and or other infiltration techniques should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage attenuation to limit the discharge rate from the site no greater than the Greenfield run-off rate should be applied. This is generally controlled via planning conditions with full details of a drainage scheme coming in a reserved matters stage or prior to commencement of development.

In order to ensure that adequate provision for surface water drainage would be made, a condition must be imposed on any consent granted to require the submission and implementation of a satisfactory drainage scheme.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales). An ecological assessment has been submitted with the application.

No ecological information has been submitted with this application. The application site appears to be located within an improved grassland agricultural field and is bounded by hedgerows. The County Ecologist confirms that there are no historical records of European protected species from the application site and the majority of the habitat at the site does not appear suitable to support such species.

Subject to the use of appropriate conditions as advised by the ecologist, it is considered that the proposal would comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

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 the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2015 highway (drawing no: RPP/TW/JOB05-03).
5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.
6. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
 - 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

7. The affordable dwellings 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.

8. A lighting plan showing the location and specification for any proposed lights on the site shall be submitted at the same time as the reserved matters referred to within Condition 1. The plan will include directing lighting away from retained and proposed trees and hedgerows around the application site and the use of downlighting to ensure suitable foraging and commuting habitats to remain unlit. The approved plan shall be implemented prior to the occupation of any of the dwellings.

9. All landscape works shall be carried out in accordance with the details approved at the reserved matters stage. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

11. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.

12. Before any other development commences 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.

13. 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. The parking areas shall be retained for their designated use in perpetuity.

14. 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.

15. Prior to the construction of any dwelling 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.

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

17. Prior to the occupation of any dwelling a radius of 6 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.

18. Prior to the occupation of any dwelling a 2.0 metre wide footpath shall be provided on the both sides of the site access and along the full frontage of the site onto the existing county class III road, C2015 and shall be retained for as long as the development hereby permitted remains in existence.

19. 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.

20. 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.

21. 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.

22. Upon formation of the visibility splays as detailed in Condition 12, 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.

23. 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.

24. 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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
8. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 8, 2016).
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.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Informative Notes

- This development may affect a statutory Right of Way - Public Footpath 36. Developers should contact Powys County Council Rights of Way team prior to any works commencing.

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.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail: edin@powys.gov.uk

6.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0329	Grid Ref:	306282.14 301102.68
Community Council:	Dwyriw	Valid Date:	Officer: 24/03/2017 Dunya Fourie
Applicant:	Mr D T M Jones, Min-Y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Location:	Land adjoining Min-y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Proposal:	Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

Update report

The update report is to be read in conjunction with the original Committee report, presented to Members on the 12th July 2017

Amended scheme and consideration of Welsh language and Culture

The following the deferral of the published Committee report, further information has been received from the applicant's agent in relation to Welsh language and culture. This information was received on the 3rd August 2017 and included the following:

- Amended site layout plan (Appendix 1)
- Sustainability Assessment (Appendix 2)

Amended scheme

The applicant's agent confirmed on the 3rd August the proposed scheme has been amended. The original scheme proposed 9 dwellings; 3 affordable dwellings and 6 open market dwellings. The amended scheme proposes 1 affordable dwelling and 4 open market dwellings.

The agent confirms the following within the sustainability assessment*"Dwyriw has been identified as one settlement in Powys that the Welsh Language should be regarded as being important to the social, cultural and community fabric of the settlement. In light of the above, we need to ensure that these two developments will not have a significant harm on the Welsh Language and Culture of the settlement.*

27% of Dwyriw's population can speak, read and write welsh, this is only a fraction down from 1991, when 30% could speak, read and write welsh. Developments equating to up to 10 dwellings, is not considered to have any significant impact on the Welsh Language, given the nature and scale of development.

National Policy documents such as TAN20 (2013) and PPW (2016), has emphasised that a policy led approach should be the main instigator in determining the acceptability of developments within a settlement that the Welsh language is seen as an important factor. The determination of planning applications has to be in accordance with the adopted development plan, and therefore a strong local plan, can ensure developments will not harm the Welsh Language.

Unfortunately, Powys is in a position where the new Local Development Plan has not been adopted, and the current Unitary Development Plan is out of date, and has limited guidance on the consideration of the Welsh Language. In light of this, limited guidance is given on the acceptability of sites in relation to the Welsh Language.

TAN20 stipulates that 'All LPA's will have assessed the implication of their development plan strategy, policies and allocations on the Welsh Language. As Development Plan include an allowance for non-allocated sites (windfall sites) for various types of development, planning application on non-allocated sites should not be subject to a further assessment of impacts on the Welsh Language.'

TAN20 also stipulates that 'In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration decision must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh language into account. Planning applications should not be subject to Welsh language impact assessment, as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

The proposals are up to 5 dwellings each site, which is 10 in total. This is considered proportionate to the settlement, given that no additional housing has been provided within the settlement for over 5 years. Adfa has a local garage, chapel, village hall, post office and shop.

It is clear that rural villages like Adfa have suffered in recent years with young local people moving out of the area. These kind of developments, will ensure there will be housing/plots available to young people which will help them remain in the area. There are only 2 properties in Adfa for sale, which illustrates the demand for housing in the area.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of these developments would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In conclusion, the scale and type of both developments cumulatively is considered not to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore, fully complies with National and Local Policies".

Policy Context

Powys Unitary Development Plan

Policy SP1 (Social, Community and Cultural Sustainability), states as follows:

“In assessing proposals for new development due regard will be given to the need to sustain and where possible enhance the social, cultural and linguistic characteristics of the area and to the contribution that the proposal can make towards meeting the needs of local communities and residents”.

Policy GP5 (Welsh Language and Culture), states as follows:

“In the following settlements, the Welsh language has been identified as being important to the social, cultural and community fabric.

Within the identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh language and culture, including through the provision of an appropriate level of affordable housing.

ABERCEGIR	DOLANOG	LLANWDDYN
ABERCRAF	DERWENLAS	LLANWRIN
ABERHOSAN	ESGAIRGEILIOG CEINWS	LLAWR Y GLYN
ABERTRIDWR	FOEL	LOWER CWMTWRCH
ADFA	FORGE	MACHYNLLETH
BONT DOLGADFAN	GLANTWYMYN	PENEGOES
CAE HOPKIN	GURNOS	PENRHOS
CAER BONT	LLAN	PENYBONTFAWR
CAER LAN	LLANBRYNMAIR	PONTROBERT
CARNO	LLANERFYL	TALERDDIG
CEFN COCH	LLANFAIR CAEREINION	TREFEGLWYS
CEMMAES	LLANFIHANGEL	UPPER CWMTWRCH
COELBREN	LLANFYLLIN	YSTRADGYNLAIS
COMMINS COCH	LLANGADFAN	YNYS ISAF
CWM LLINAU	LLANGYNOG	YNYS UCHA F «
CWNGIEDD	LLANRHAADR YM MOCHNANT	
DAROWEN	LLANSILIN	

Technical Advice Note 20: Planning and the Welsh Language (2013):

Within Technical Advice Note 20: Planning and the Welsh Language (TAN20) it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

With regards to the Development Management function, Tan 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Planning Policy Wales (November, 2016)

Planning Policy Wales (PPW) notes the Welsh Government's commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad

distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability.’”

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 seeks to improve the social, economic, environmental and cultural well-being of Wales. It contains seven well-being goals which certain public bodies (including local authorities) must seek to achieve in order to improve the well-being both now and in the future. One of the well-being goals is:

‘A Wales of vibrant culture and thriving Welsh Language’

This well-being goal will be achieved through a ‘society that promotes and protects culture, heritage and the Welsh Language and which encourages people to participate in the arts, and sport and recreation’.

Census Information

2003 Census

2003 CAS ward	All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
00NNSX : Rhiwcynon	1,805	137	47	29	339	87	1,166

2011 Census

2011 ward	All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
W05000343 : Rhiwcynon	2,116	1,416	161	467	64	31	366	78

Adfa is within the Ward area of Rhiwcynon, as shown within the Census information the number of residents aged 3 and over has increased and the number of people who can speak and/or understand Welsh has increased. The Census information suggests that people are moving to the Ward area and support the use of Welsh language and Culture.

Appraisal of the impact on the proposed development on Welsh language and Culture in Adfa

Principle of development

The original Committee report discussed in detail whether the proposed residential units outside of the settlement boundary of Adfa are acceptable in principle. The conclusion being that considerable weight needs to be given to the undersupply of housing land availability in considering proposals for new residential development as exceptions to normal housing policies. As such, while the scheme has been amended, the principle of housing development on the proposed site remains acceptable.

Welsh Language and Culture

Members are advised that the impact of the proposed development on Welsh language is a material consideration and as such needs to be allocated consideration weight when determining this planning application.

Affordable housing

The reasoned justification for Policy GP5 and Technical Advice Note 20 (TAN20) states the Welsh Language is an important component of the social fabric of the County. Planning Policy Wales (PPW, 2016) states that local planning authorities should consider whether they have communities where the use of the Welsh language is part of the social fabric.

Policy GP5 identifies communities which form part of the Welsh cultural heartland, within which there is a requirement for special policy attention to safeguard their community characteristics that are founded on the Welsh language. The reasoned justification for policy GP5 recognises that one way in which developers can demonstrate that language has been taken into account is by ensuring there is provision of affordable homes in line with the affordable housing policies.

Adfa is identified under GP5 as a settlement where the Welsh language is important to social, cultural and community fabric. GP5 confirms, within the listed settlements, proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh language and culture through the provision of an appropriate level of affordable homes.

The amended scheme proposes 1 affordable unit, this provision represents 20% of the overall development and is in keeping with the Viability Study for providing Affordable Housing in Powys (August 2016). It is considered that the provision of affordable housing helps mitigate against the impact of a development on the Welsh language, the affordable house provision and the contribution the four open market dwellings make to the lack of a five year housing supply are given considerable weight and as such Members are advised that the proposed affordable housing provision is considered acceptable.

Impact on the existing community facilities

Adfa is served by facilities which include the following; Chapel, community centre, post box, post office, public telephone box and adopted open space amenity area. It is considered that the introduction of the proposed five dwellings would help sustain the viability of the facilities

that are vital in supporting Welsh language and culture. It is not considered that a development of the proposed scale would threaten the existing facilities or force sections of the population away from these facilities.

The dwellings are well located, adjoining the settlement boundary allowing the existing infrastructure to be utilised, the development would appear part of the existing settlement and within easy access to facilities.

The lack of capacity of the school in Tregynon was raised as a concern within a public response. It is considered, given the scale of the proposed development, the impact on school capacities is negligible. No adverse or positive impact can therefore be identified to the balance between Welsh speaking and non-Welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is considered to be negligible. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

Impact on the social fabric of Adfa

Planning Policy Wales states “*Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability.’*”

The above Census information confirms the population and use of the Welsh language within the Ward for which Adfa is located has increased over the last 7 years. These findings suggest Adfa can accommodate housing development of an appropriate scale without detriment to the social fabric of the Ward.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

Impact on the local economy

The Welsh Language Assessment submitted by the applicant considers the potential impact on economic development of scheme of the proposed scale. It is considered small scale construction schemes are likely to contribute to the economy of the local area through employment of local trades people. It is concluded therefore that construction of the dwellings would have a neutral or positive impact on the local economy which is considered a positive from a Welsh language and cultural perspective.

Conclusion

In conclusion, given the scale of the development it is not considered that the proposed development would have an unacceptable adverse impact on Welsh language and culture. The proposal is therefore considered to comply with relevant planning policy, as outlined within this update report.

Recommendation

The proposed development constitutes a departure from the adopted Development Plan, however in accordance with the Joint Housing Land Assessment, considerable weight is given to the need to increase housing supply within Powys. The proposed development is for the provision of 5 dwellings in what is considered to be a sustainable location.

It is considered the principle of the development is acceptable in light of the lack of housing land supply in the County and warrants the approval of the scheme contrary to the provisions of the Development Plan. All other material considerations are in accordance with the adopted Development Plan.

It is therefore recommended to Members that the application is approved subject to the conditions as set out within this update report.

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. Plan references include; site location plan (6563/17/01), Proposed block plan (6563/17/03), Existing block plan (6563/17/02).
5. Any entrance gates 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.
6. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. Prior to any other development commencing, 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 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.
8. Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.
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. Prior to the commencement of any other development, provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

11. The width of the access carriageway, constructed as Condition 7 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.
12. Any internal side-road junctions shall have a corner radii of 6 metres.
13. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres
14. 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.
15. 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 20 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
16. Prior to the occupation of any of the dwellings the area of the access to be used by vehicles 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.
17. 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.
18. No storm water drainage from the site shall be allowed to discharge onto the county highway.
19. At the time of the submission of a reserved matters, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved scheme.
20. At the time of the submission of a reserved matters, a lighting design scheme to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.
21. At the time of the submission of a reserved matters, a tree and hedgerow protection plan shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved details.
22. Development shall be carried out in accordance with the Newt Mitigation Plan and Method Statement as detailed in Section 8 of the Great Crested Newt Survey and Mitigation Plan conducted by Gerald Longley Ecological Consultants and dated May 2017.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the affordable dwellings or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.

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 to accord with Unitary Development Plan policies GP1 and GP4
6. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
7. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
8. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
9. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
10. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
11. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
12. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
13. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
14. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
15. This condition is imposed to control the future affordability and management of the development in accordance with policies HP9 and HP10 of the Powys Unitary Development Plan (2010).
16. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
17. In the interest of highway safety and to accord with Powys Unitary Development Plan policies GP1 and GP4
18. In the interests of highway safety and to accord with Powys Unitary Development Plan for Powys policies GP1 and GP4
19. In the interests of suitable drainage from the site and to accord with Powys Unitary Development Plan policies DC10 and DC13
20. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
21. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
22. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
23. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Informative Notes

An European Protected Species mitigation licence from Natural Resource Wales will be required for development to proceed.

It is therefore an offence to:

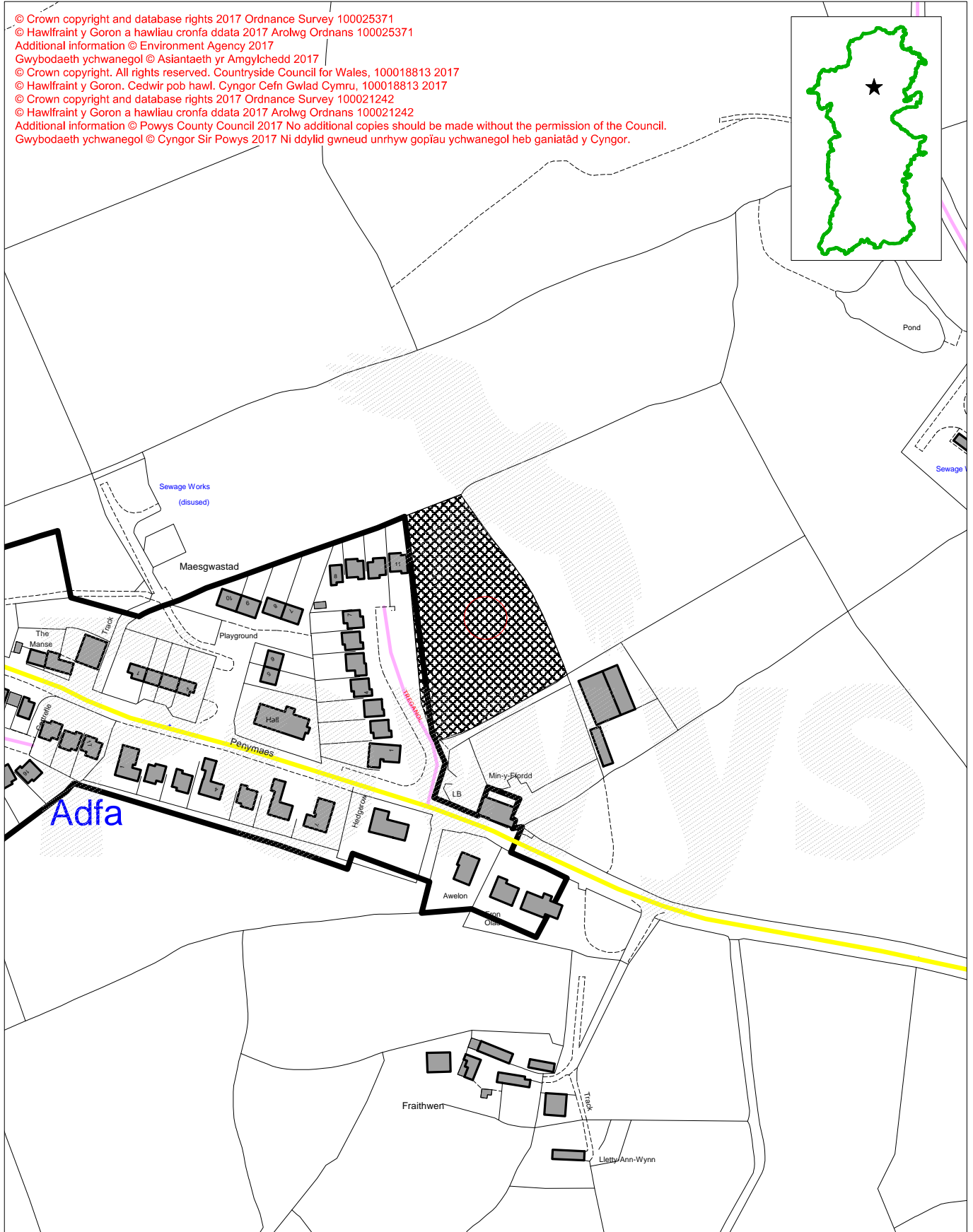
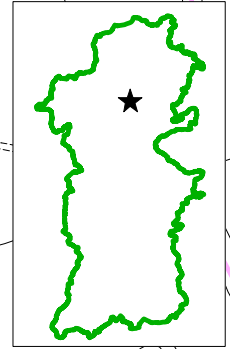
- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly

affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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Rev	Description	Date	Dr by	App by
A	Number of dwellings and site area reduced.	24/07/17	SC	
Original				



Job	Outline Planning for New Dwellings		
Title	Existing Block Plan		
Location	Land Off Treganol Adfa		
Client	Mr M Jones		
Scales	1:500 @ A2		
Drawing No.	6563/17/03	Rev	A
Drawn by	SC	Date	March 2017

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

P/2017/0329 & P/2017/0154 – Land at Minffordd and Land adjoining the Garage, Adfa, Newtown

Sustainability and Welsh Language and Culture consideration

This assessment has been carried out following the Planning Committee's decision to defer the above applications until an assessment was carried out in terms of the sustainability of the developments and potential implications of the developments on the Welsh Language and Culture of the settlement.

The officer's committee report quite clearly set out the sustainability credentials of the proposed development and village, which I have extracted from the report for ease of reference:

Sustainability

Adfa is classified as a large village within the Powys Unitary Development Plan. Four sites were allocated for housing development within the Unitary Development Plan (UDP); M103 HA1 (0.40ha Land adjacent to timber yard), M103 HA2 (0.44ha Land opposite Maesgwastad), M103 HA3 (0.65ha Land adjacent to village hall) and M103 HA4 (0.58ha Land opposite the Manse). In addition, the UDP recognises that there may be further opportunities for infill development within the settlement and opportunities for affordable housing adjacent to the settlement development boundaries. On allocated sites it was stated that 42 dwellings would be an appropriate level of growth for Adfa within the plan period (which has now come to an end). Three out of the four allocated sites have been completed.

Representations made in response to the application have raised concern regarding the lack of services within Adfa to support additional new residential development. Policy SP2 confirms land is allocated for development to reflect the needs and capacity of each planning area/community and principles of sustainability in accordance with the settlement hierarchy, for which 'large village' is third in the hierarchy. Adfa is classified as a large village within the UDP and has facilities including Chapel, community centre, garage, postbox, protected play area and post office. It is located on a public bus route and does connect to the A483 trunk road which allows access to Welshpool and Newtown. As such, while there are concerns regarding the lack of services and the village services becoming overstretched, the proposed development is not considered to exceed the capacity for the settlement as outlined in the UDP.

As well as contributing to the Council's housing land supply and the site being in a sustainable location, consideration must be given to other material planning considerations.

This extract is policy based, and complies with National and Local Planning Policy. Adfa is stipulated as a large village within the Unitary Development Plan, which has seen a number of allocated sites approved and built on, which shows the demand of housing there is in the area.

The matter of fact is, that Adfa is recognised as a large village with allocated sites and sufficient services to accommodate housing, which illustrates the sustainability credentials of the village has been well established, and has gone through a robust process. The settlement has a Chapel, Community Centre, Garage, Postbox, Formal Play Area and Post Office/Shop, with easy connectivity to larger towns such as Llanfair Caereinion, Welshpool and Newtown.

In light of this, Adfa is categorically a sustainable settlement, which cannot be questioned through planning policy. The next question is, the amount of housing that could be built in Adfa without putting undue pressure on the existing services provided.

Additional housing in Adfa, will not put pressure on existing services, but improve those services, and ensure that these services are not lost due to lack of use. The shop and post office could open for more hours to accommodate additional housing.

Both applications (P/2017/0329 & P/2017/0154) that was heard in July's committee have been reduced to up to 5 dwellings for each site. Which brings the cumulative proposal down to 10 dwellings, which the Cllr's openly stated that they could accept.

As stipulated in the settlement hierarchy of policy HP4, large villages such as Adfa can easily accommodate a further 10 dwellings as windfall sites, without putting pressure on existing services. In light of the above and Powys' current shortfall in housing land supply, both applications should be considered acceptable in terms of their sustainability.

Welsh Language

UDP Policy GP5 together with Technical Advice Note 20 (Planning and Welsh Language (2013)) emphasises the importance of considering the Welsh Language when determining development's.

Dwyrw has been identified as one settlement in Powys that the Welsh Language should be regarded as being important to the social, cultural and community fabric of the settlement. In light of the above, we need to ensure that these two developments will not have a significant harm on the Welsh Language and Culture of the settlement.

27% of Dwyrw's population can speak, read and write welsh, this is only a fraction down from 1991, when 30% could speak, read and write welsh. Developments equating to up to 10

dwellings, is not considered to have any significant impact on the Welsh Language, given the nature and scale of development.

National Policy documents such as TAN20 (2013) and PPW (2016), has emphasised that a policy led approach should be the main instigator in determining the acceptability of developments within a settlement that the Welsh language is seen as an important factor. The determination of planning applications has to be in accordance with the adopted development plan, and therefore a strong local plan, can ensure developments will not harm the Welsh Language.

Unfortunately, Powys is in a position where the new Local Development Plan has not been adopted, and the current Unitary Development Plan is out of date, and has limited guidance on the consideration of the Welsh Language. In light of this, limited guidance is given on the acceptability of sites in relation to the Welsh Language.

TAN20 stipulates that 'All LPA's will have assessed the implication of their development plan strategy, policies and allocations on the Welsh Language. As Development Plan include an allowance for non-allocated sites (windfall sites) for various types of development, planning application on non-allocated sites should not be subject to a further assessment of impacts on the Welsh Language.'

TAN20 also stipulates that 'In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration decision must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh language into account. Planning applications should not be subject to Welsh language impact assessment, as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.'

The proposals are up to 5 dwellings each site, which is 10 in total. This is considered proportionate to the settlement, given that no additional housing has been provided within the settlement for over 5 years. Adfa has a local garage, chapel, village hall, post office and shop.

It is clear that rural villages like Adfa have suffered in recent years with young local people moving out of the area. These kind of developments, will ensure there will be housing/plots available to young people which will help them remain in the area. There are only 2 properties in Adfa for sale, which illustrates the demand for housing in the area.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the

assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of these developments would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In conclusion, the scale and type of both developments cumulatively is considered not to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore, fully complies with National and Local Policies.

Please could it be noted that the Post Office in Adfa is open between 8.00am and 4.30pm on a Monday and between 8.00am and 12.00pm on a Tuesday.

Bus Routes

There are currently three buses picking up in Adfa:

1. Monday - Adfa to Welshpool
2. Tuesday - Adfa to Newtown
3. Thursday - Adfa to Newtown

Letter of 28 April 2017

I am writing on behalf of Dwyriw Community Council to let you know that the Council has considered the application above and would like to make the following points:

1. A development on this scale would lead to a greatly increased number of vehicles in an area which already has limited parking and where there is already insufficient parking for the existing residents.
2. The proposed access to the site would be unsuitable as it would mean the loss of the only extra parking space for existing residents.
3. There is no direct access to the existing play area so extra dwellings would mean more children and more traffic on the main road through Adfa – which would be a potential safety issue.
4. For a development of this size the Council would expect to see provision for extra play space.
5. Services are poor in the village and there is currently only one bus a week taking people to Welshpool for a 3 hour stop and then returning.
6. The Post Office opens for just a few hours on one day a week for a small number of people to collect their pensions.
7. The local primary school in Tregynon is already close to capacity.
8. There are already Broadband speed issues for the number of people in the area; extra local usage would compound this.

The affordable housing allocation of one does not seem enough

Powys Highways

Letter of 5 April 2017

The County Council as Highway Authority for the County Unclassified Highway, U2901 Wish the following recommendations/Observations be applied

Recommendations/Observations

It is noted that access is to be determined as part of this outline application. Unfortunately, the proposed block plan does not provide sufficient detail to confirm that a safe means of access will be provided. In order to consider the application in full, we will require that amended plans are submitted that clearly identify the access road together with dimensions of the carriageway, footway and service verge for the proposed new highway. In addition, they have indicated that all surface water will be discharged to an existing surface water drain that crosses the site and who is the responsible adopting authority, This drain will need to be clearly indicated on the drawing so that we may determine whether a diversion of this drain will be necessary.

Letter of 11 May 2017

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC1 Any entrance gates 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.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material 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.

HC9 Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

HC10 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.

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 access 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.

HC14 Any internal side-road junctions shall have a corner radii of 6 metres.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

HC19 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.

HC20 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.

HC21 Prior to the occupation of any of the dwellings the area of the access to be used by vehicles 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,

HC31 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.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

Wales and West Utilities

No response has been received at the time of writing this report.

Severn Trent

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

· The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Powys Environmental Health

I have no objections to the application.

Powys Ecologist

Letter of 20 April 2017

Ecological information included with the application

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service.

The application site appears to be located within an agricultural field and is bounded by hedgerows to the north and east. These hedgerows would appear to be retained by the proposal.

Protected species and habitats

Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least two bat species from within 2km of the site and Great Crested Newt (GCN) from approximately 250m north-east.

No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. However, the northern and eastern hedgerows are likely to provide linear commuting and foraging habitat for a range of bat species.

Given the proximity of development works to surrounding hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

There are a number of great crested newt records in close proximity to the site and at least two ponds within approximately 250m. The aerial photographs of the site and street view images indicate that the hedgerow boundary habitat present is suitable terrestrial habitat and there is a high potential that it would be utilised by local great crested newt populations. Great Crested Newts are European Protected Species (EPS); the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that

there will be no adverse impact on the favourable conservation status of the EPS. In order for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

The three tests that must be satisfied are:

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

Therefore, a Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

UK species

The boundary hedgerow to the north and east offer suitable habitat for a range of nesting bird species.

I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

Section 7 species and habitat

The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Hedgerows are a Section 7 Priority Habitat and I understand that those present within the site are to be retained. I recommend that these hedgerows are protected during the construction phase.

The proposed new planting within the site is welcomed and should consist of native, locally-occurring species.

LBAP species and habitats

See previous observations

International sites

None within the search area

National sites

None within the search area

Local sites (within 500m)

None within the search area

Summary of recommendations / further assessment or work

Given the proximity of development works to surrounding hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

There are a number of great crested newt records in close proximity to the site and at least two ponds within approximately 250m. The aerial photographs of the site and street view images indicate that the hedgerow boundary habitat present is suitable terrestrial habitat and there is a high potential that it would be utilised by local great crested newt populations. Great Crested Newts are European Protected Species (EPS); the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

A Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The proposed new planting within the site is welcomed and should consist of native, locally-occurring species.

Recommended conditions

Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:

Prior to planning permission, a Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

Reason: 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 Environment (Wales) Act 2016.

Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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 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.

Prior to commencement of development, a Species List for the Landscape Planting 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 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 the Environment (Wales) Act 2016.

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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and

Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly

affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Relevant UDP policies

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 6: Sites of Regional and Local Importance

ENV 7: Protected Species

E mail of 25 April 2017

I was just looking through this application and I noticed that a recommendation had been made for a Great Crested Newt Reasonable Avoidance Strategy to be secured through a condition.

Given the proximity of the proposed development to known great crested newt breeding population and the nature of the proposed development i.e. a small housing development there is a potential that the proposed development would require measures to prevent harm to great crested newts that would potentially require an EPS Licence to be obtained e.g. installation of newt fencing etc. the nature of measures identified in a RAMS would not necessarily be appropriate for this site and the proposed development.

As such the requirement of a RAMS as a condition is considered to be inappropriate in this instance and further information is required prior to determination of the application – I understand from records that surveys were undertaken in 2006 therefore it is likely that update surveys would be required to inform any necessary mitigation measures and any subsequent licence application – as update surveys would need to be undertaken this will need to be addressed as a matter of urgency as the great crested newt survey season has already started.

The results of the survey and an appropriate mitigation strategy will need to be identified and submitted to the LPA prior to the determination of the application.

Representations

A site notice was erected on the boundary fence adjoining the access road to the residential development opposite the site. No decision was made regarding the suitability of the site for a continuous period of 21 days from the date of the site notice. A total of 4 letters of objection have been received and 1 letter of support.

The main points of objection are as follows:

- The development would exacerbate the existing on street parking issue at Treganol
- Adfa has limited facilities and existing services are already stretched
- Lack of public transport
- Increased traffic along the highway
- Not a large demand for properties in Adfa

The letter of support confirms they support local development where proper consideration is given to parking, amenities and local needs. The letter also states additional development strengthens the case for improved telecommunication services and allow rural villages to continue to grow and prosper.

Planning History

No recent planning history on the site

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)
Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12: Design (2014)
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)
Technical Advice Note 24: The Historic Environment

Welsh Office Circular 11/99 – Drainage

Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Cadw's Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, Part 1: Parks and Gardens (Powys)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 – Strategic Settlement Hierarchy

UDP SP5 – Housing Developments

UDP GP1 – Development Control

UDP GP3 – Design and Energy Conservation

UDP GP4 – Highway and Parking Requirements

UDP ENV1 – Agricultural Land

UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV4 – Internationally Important Sites

UDP ENV5 – Nationally Important Sites

UDP ENV7 – Protected Species

UDP ENV14 – Listed Buildings

UDP ENV16 - Landscapes, Parks and Gardens of Special Historic Interest

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP5 – Residential Development

UDP HP6 – Dwellings in the Open Countryside

UDP HP7 – Affordable Housing within Settlements

UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries

UDP HP10 – Affordability Criteria

UDP HP3 – Housing Land Availability

UDP TR2 – Tourist Attractions and Development Areas

UDP DC10 – Mains Sewage Treatment

UDP DC13 – Surface Water Drainage

Powys Residential Design Guide (2004)

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Joint Housing Land Availability Study (2016) 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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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. For the avoidance of doubt, the development plan in this instance is the Powys Unitary Development Plan 2001-2016.

Principle of Development

The application is for outline consent with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form a separate application(s) for consideration at a later date.

The application site lies wholly outside the settlement boundary of Adfa. Whilst the application proposes two affordable dwellings, the remaining dwellings would be open market dwellings. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

Adfa is classified as a large village within the Powys Unitary Development Plan. Four sites were allocated for housing development within the Unitary Development Plan (UDP); M103 HA1 (0.40ha Land adjacent to timber yard), M103 HA2 (0.44ha Land opposite Maesgwastad), M103 HA3 (0.65ha Land adjacent to village hall) and M103 HA4 (0.58ha Land opposite the Manse). In addition the UDP recognises that there may be further opportunities for infill development within the settlement and opportunities for affordable housing adjacent to the settlement development boundaries. On allocated sites it was stated that 42 dwellings would be an appropriate level of growth for Adfa within the plan period (which has now come to an end). Three out of the four allocated sites have been completed.

Representations made in response to the application have raised concern regarding the lack of services within Adfa to support additional new residential development.

Policy SP2 confirms land is allocated for development to reflect the needs and capacity of each planning area/community and principles of sustainability in accordance with the settlement hierarchy, for which 'large village' is third in the hierarchy. Adfa is classified as a large village within the UDP and has facilities including Chapel, community centre, garage, postbox, protected play area and post office. It is located on a public bus route and does connect to the A483 trunk road which allows access to Welshpool and Newtown. As such, while there are concerns regarding the lack of services and the village services becoming overstretched, the proposed development is not considered to exceed the capacity for the settlement as outlined in the UDP..

As well as contributing to the Council's housing land supply and the site being in a sustainable location, consideration must be given to other material planning considerations.

Affordable dwellings

The scheme proposes two affordable dwellings (20% affordable housing contribution). Although the UDP and Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011) requires a 30 to 35% affordable housing contribution, the evidence base for the LDP which has resulted in the written statement of the Powys LDP 2011-2026 Deposit Draft states that the target contribution required for the Adfa area (Severn Valley) would be 20%. Therefore, on the basis of this evidence, it is considered that the proposal for a 20% affordable housing provision would be acceptable.

Design and Layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst appearance, scale and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The density of the development would be 18 dwellings per hectare, the adjacent site; Treganol (HA3) has a density of 16.9 dwellings per hectare. As such the proposed scheme is found to give a balanced layout and be in keeping with the design of the surrounding area. Furthermore, it is considered that in principle the provision of nine dwellings within the application site is considered to be acceptable and of sufficient size to allow for suitable space to accommodate private amenity space per dwelling and parking areas whilst still able to maintain the privacy of all existing neighbouring residential properties.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Impact upon character and appearance of surrounding area

The application site comprises a flat parcel of land on the eastern edge of Adfa and adjoins the existing modern residential development; Treganol (HA3). The site is agricultural land which is bounded by a post and wire fence along the south and west boundary and mature hedge along the north and east boundary.

Concern is expressed over the impact of the proposed development in terms of views into the site. However, the application site is an area of pasture land that when viewed from longer to mid- range views would be viewed as an extension of the existing settlement and it would arguably provide a natural rounding off of the settlement as the site does not extend beyond the existing building line along the highway. It is therefore difficult to sustain an argument that the proposal will be particularly detrimental to the character of the settlement.

It is therefore considered that the proposal is acceptable for the scale of development proposed, without causing unacceptable harm to the character or appearance of the area. Therefore, the proposal is considered to comply with UDP policies GP1, GP3 and ENV2.

Impact upon established tourist attractions

It is noted that there are a number of public rights of way in the locality, the closest route follows the line of the western boundary of the site. Given that the proposal would be residential housing development within an area where such development is not unusual and the development of the site would not restrict the use of any right of way, it is not considered that the proposal would unacceptably adversely affect the environmental setting of the identified tourist attraction or any others in the locality in accordance with UDP policy TR2.

Highway access and parking

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking.

A new vehicular access would be constructed off the access road to Treganol, the proposed access into the site would be on the western site boundary. The access road currently serves approximately 11 dwellings and does not connect to any other vehicle routes.

Public representations have raised concern over highway safety in terms of the increase in traffic levels on a highway and exacerbate the existing level of on street parking along the Treganol access route.

Matters relating to access and parking within the site are reserved for consideration under a later reserved matters application. The highway authority who are responsible for the U2901 and Treganol access road and as such their comments are restricted to the acceptable standard of the highway junction and its intensified use. The highway authority has previously adopted the junction and as such accepts that it meets highway safety standards, they raise no objection to the intensified use of the junction.

There is an existing footway along the Treganol access road, concern was raised within representations that development of the site would not link to existing areas of public open space or facilities. The proposal is for 9 dwellings and it would be difficult to sustain an argument to secure off site improvement works to the footway network. Footways within the site would be considered as part of a future 'layout' application, in addition each site would be required to provide parking facilities in line with the CCS Welsh Standards and as such should not exacerbate on street parking.

In respect of the vehicular access to the site itself, additional traffic movements along the U2901 highway was raised as a concern within public representations. This route through Adfa connects to the wider highway network and as such it would be difficult to demonstrate that this section of road would see a significant increase in traffic from the development.

Surface water runoff is proposed to be discharged to the existing mains network, a condition of any forthcoming consent would require the location of the proposed discharge point to be shown on a plan. Severn Trent raise no objection to the proposed discharge of surface water to the mains network provided details of the scheme are submitted and approved prior to any development commencing.

It is concluded that the proposal could make adequate provision for highway access subject to the use of planning conditions relating to surface water drainage. Therefore, the proposal is considered to comply with UDP Policy GP4.

Foul sewage disposal

The submission indicates that foul sewage would be disposed of to the mains sewer. This is the preferred method of foul sewage disposal as set out within UDP Policy DC10 and Welsh Office Circular 10/99.

Severn Trent raise no objection regarding the proposed connection, however prior to development commencing, details of the connection would need to be submitted and approved by the local planning authority.

On the basis that the proposal would connect to the mains sewer and subject to an appropriately worded condition, it is considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with UDP Policy DC10.

Surface water disposal

UDP Policy DC13 requires proposals to make adequate provision for land drainage and surface water disposal. The submission states that surface water would be disposed of via a sustainable drainage system.

The site is classed as a Greenfield site, therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15. The use of sustainable drainage system or other infiltration techniques should be investigated in the first instance for surface water disposal. If sustainable drainage system are not feasible, drainage attenuation to limit the discharge rate from the site no greater than the Greenfield run-off rate should be applied. This is generally controlled via planning conditions with full details of a sustainable drainage system coming in at reserved matters stage or prior to commencement development.

In order to ensure that adequate provision for surface water drainage would be made, a condition must be imposed on any consent granted to require the submission and implementation of a satisfactory drainage scheme.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

Initial screening of the site identified great crested newt (GCN) records within 200m of the site. Following concerns raised from the Powys Ecologist an ecological report was subsequently conducted by Gerald Langley, dated May 2017. It is noted the site itself does not provide a breeding ground for GCN, however it does offer a suitable terrestrial habitat.

There is also a hedge boundary along the east and north boundary of the site, based on the indicative plan this boundary is to be retained in full and as such the consideration of impact on GCN and bats is made on the assumption this feature would remain.

Following further consultation, NRW confirmed that provided the ecological assessment is implemented in full and any forthcoming consent is conditioned where appropriate, including a construction avoidance scheme and mitigation scheme for GCN and an external lighting scheme. It is considered that the proposal would comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

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

Although it is acknowledged that the development is a departure from the development plan, the shortfall in the Council's housing land supply carries significant weight in favour of the proposal as does the provision of two affordable dwellings.

The site is located adjacent to the settlement boundary of a sustainable settlement and given the scale and location of the development, it is considered that an acceptable development could come forward.

Highway safety and ecology have been identified as matters of concern for the development, but again it is considered that the development can be appropriately managed through the imposition of conditions.

The recommendation is therefore one of approval subject to the inclusion of the attached conditions.

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. Plan references include; site location plan (6563/17/01), Proposed block plan (6563/17/03), Existing block plan (6563/17/02).
5. Any entrance gates 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.
6. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. Prior to any other development commencing, 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 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.

8. Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

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. Prior to the commencement of any other development, provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

11. The width of the access carriageway, constructed as Condition 7 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.

12. Any internal side-road junctions shall have a corner radii of 6 metres.

13. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres

14. 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.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

16. Prior to the occupation of any of the dwellings the area of the access to be used by vehicles 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.

17. 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.

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

19. Prior to commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved scheme.
20. Prior to commencement of development, a lighting design scheme to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.
21. At the time of the submission of a reserved matters, a tree and hedgerow protection plan shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved details.
22. Development shall be carried out in accordance with the Newt Mitigation Plan and Method Statement as detailed in Section 8 of the Great Crested Newt Survey and Mitigation Plan conducted by Gerald Longley Ecological Consultants and dated May 2017.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the affordable dwellings or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.

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 to accord with Unitary Development Plan policies GP1 and GP4
6. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
7. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
8. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
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12. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
13. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
14. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
15. This condition is imposed to control the future affordability and management of the development in accordance with policies HP9 and HP10 of the Powys Unitary Development Plan (2010).

16. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
17. In the interest of highway safety and to accord with Powys Unitary Development Plan policies GP1 and GP4
18. In the interests of highway safety and to accord with Powys Unitary Development Plan for Powys policies GP1 and GP4
19. In the interests of suitable drainage from the site and to accord with Powys Unitary Development Plan policies DC10 and DC13
20. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
21. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
22. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
23. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Informative Notes

An European Protected Species mitigation licence from Natural Resource Wales will be required for development to proceed.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly

affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

6.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0119	Grid Ref:	296834.02 268416.04
Community Council:	Rhayader	Valid Date:	Officer: 07/02/2017 Karen Probert
Applicant:	Mr Nathan Goodyear, The Camping And Caravanning Club.		
Location:	Wyeside Caravan Park, Rhayader, Powys, LD6 5LB.		
Proposal:	Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works.		
Application Type:	Application for Full Planning Permission		

The reason for committee determination

The land in question is in Powys Council ownership and leased to the applicants the Camping and Caravanning Club.

Site Location and Description

The site, the subject of this application is known as Wyeside Caravan Park and it is located approximately 550 metres directly north west of the centre of Rhayader outside of the settlement development boundary. The site is found directly west of the A470 trunk road and directly east of the River Wye. The caravan park currently accommodates tourers, camping and statics. The proposed application site forms the southern section of the existing site, directly south of the existing access and is a grassed open field where tented camping, touring caravanning and motorhome pitches are sited. The site currently accommodates 60 pitches.

To the north of the application site and outside of the development site boundary lies an existing amenity block, site office and existing static caravan site. An existing public right of way 157/420/1 cuts along the northern boundary of the site from the existing access to the site directly west to the River Wye. To the east lies three residential properties namely Upper Ffynnon Fair, 1 and 2 Ffynnon Fair and a tennis court is located on the far south eastern boundary. A mature hedgerow and trees form the eastern boundary to the site. Directly south lies Waun Capel Parc with its associated amenities. To the west of the application site lies the River Wye with a mature tree line running along the edge of the river and the application site. A path enters the site at the south western and south eastern corner of the application site where access is gained to the recreational area of Waun Capel Parc.

The extent of the development site is 1.1 ha in size and currently accommodates touring caravans, motorhomes and tented camping. The site is operated by the Camping and Caravanning Club who also control the adjacent static caravan site which has 40 pitches.

Consent is sought in full for the upgrade of 31 pitches to gravel hard standings, replacement of the site access road and stone car park and other associated works.

Consultee Response

Cllr. Kelvyn Curry

Received 30th March 2017

I wish to object to the above application.

As previously indicated, I intend to speak when the above planning application goes to the Planning Committee for decision. However, as the application may now come to Committee sooner than it would have done had the applicant submitted their anticipated revised “camping field” layout plan, I am, in addition to applying to speak at Committee, now submitting this brief written overview of my objections. I will elaborate on each point at Committee in due course.

I’ve also yesterday had the benefit of reading in County Hall the Assent and Land Registry record relating to the “camping field” which was given to the people of Rhayader on the 11th April 2002.

My objections relate to the following:

- The current application eliminates the opportunity for visitors to the camp site to camp in tents;
- The application is contrary to the terms of the lease agreement between Powys County Council and the Caravan and Camping Club;
- The application flies in the face of the Assent which gave the “camping field” to the people of Rhayader. It states: “not to use the property for subject of this assent or any part thereof otherwise than for its present use as a caravan and camping site ...”;
- It is detrimental to tourism and the economy of Rhayader and surrounding area;
- The flood risk is underestimated;
- No emergency evacuation meeting location has been negotiated with surrounding land owners;
- Other on-site proposed developments will also reduce available land for tent camping;
- No consideration has been given regarding access to Waun Capel Parc;
- Inadequate information has been provided in relation to the effect on the ecology.

Rhayader Town Council

First response received 24th February 2017

The following points are noted for your consideration:

1) Councillors had held a meeting at the site on 16th February 2017. For decades the "Camping Field" has been used predominantly for pitching tents on grass. This has allowed many groups, families and individuals to stay in Rhayader on a budget and this has helped the local economy. In the proposed application there is to be virtually no provision for this type of space and Councillors believed that would have a massively detrimental effect on the number of people using the site as well as the range of people who would be able to use the site.

2) Councillors also cited that when the land was gifted to the Rhayader Rural District Council, it was designated to be used as a Camping Field in the traditional sense. Provision of hard standing would preclude such use. Some Councillors had been party to discussions with the lady who had gifted the field. Despite several requests to PCC, County Cllr. Kelvyn Curry had not received sight of the transfer deed and covenant relating to the original gift of the land comprising the Camping Field.

3) It was noted that despite the existing provision of Warden's accommodation on the adjoining caravan site (run in tandem with the applicant site) additional Warden accommodation is also proposed along with a service area, a motorhome service point and a stoned parking area, all of which reduce even further the area available for camping.

4) Councillors had also received sight of correspondence from PCC Legal Services which indicated that the proposed removal of camping provisions is contrary to the plans which were authorised under the terms of the lease.

5) The Council were particularly disappointed to note that there was no indication in the application of the access routes into and through the Camping Field to the Pavilion in Waun Capel Park which have traditionally been used by the public and which PCC had stated would be maintained and included as part of any lease or transfer of the land.

6) As the site is located within Flood Zone C, there is a requirement for a Flood Consequence report to be submitted with the application form in accordance with the guidelines for TAN 15. Councillors were extremely surprised that the planning application and supporting documents, particularly the 'Flood Risk Consequence Assessment' suggested on page '10', section '4.2 that

'the proposed development can be classified as 'less vulnerable' given that it can be considered an employment/commercial site and that the occupants fully accept the risk of flooding'.

Councillors absolutely refute this statement in its entirety. As the local authority will be well aware, the site cannot possibly be classed as an employment or commercial site, neither can those who book their camping trips there or turn up on the day to stay be said to 'fully accept the risk of flooding'. When one consults the table provided on page 11, '*Vulnerability of a development according to TAN 15*' it becomes obvious that the proposed site clearly fits in the 'Highly Vulnerable' part of the table which includes: *'all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites'*

7) Councillors were also surprised to note that the applicant's 'Flood Procedure and Policy' makes reference to the Cattle Market as the flood evacuation point. It just so happens that the Chairman and Treasurer of the Rhayader Market Hall and Smithfield Trust (the freeholder of the 'cattle market' site) along with a few more members of that Trust are also Town Councillors and they could confirm that the Trust has not been approached by the applicant in this regard at all. They remind the local authority that this facility is not open to all and that is unavailable to the general public on many days throughout the year. This document should therefore not be relied upon.

In view of all the above, Councillors were unanimous in their decision to recommend that the application should be refused.

Second response received 14th July 2017 :

Councillors agreed that, despite this "upgrade", the original concerns raised by RTC still stand and had still not been addressed. Their original letters and comments therefore remain applicable. It was therefore resolved to recommend that the application be denied.

PCC - Highway

Email received 21st February 2017

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC - Building Control

No response at the time of writing this report.

Wales and West Utilities

Received 3rd July 2017

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections etc are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales and West has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Welsh Water

First email received 16th February 2017

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system is preferred we must be re-consulted on this application. We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant: The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Second email response received 4th July 2017 (following revised drawings):

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant: The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

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Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

PCC - Ecologist

First email response received 16th May 2017

Thank you for consulting me with regards to planning application P/2017/0119 which concerns the upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works at Wyese Caravan Park, Rhayader, Powys, LD6 5LB.

Given the proximity of the proposed development to the River Wye SAC it will be necessary to undertake a Habitats Regulations Assessment of the proposed development as required by Regulation 61 of the Conservation of Habitats and Species Regulations.

Mitigation measures proposed to reduce any potential adverse effects can be considered during the screening stage of the proposed development, given the nature of the proposed development consideration will need to be given to the potential for negative impacts to water quality from construction activities it is therefore recommended that a Construction Pollution Prevention Plan is requested from the applicant to demonstrate that the construction phase of the development can be undertaken in manner that will not significantly negatively affect the River Wye or it's associated features. I recommend that reference is made to the EA pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites; the EA in England withdrew these documents as guidelines last year but they are still available and provide a useful reference source – I have provided a link to the document below

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412bwfe-e-e.pdf

In the absence of the identified information prior to determination of the application the potential for the proposed development to result in a Likely Significant Effect to the River Wye SAC and/or it's associated features cannot be ruled out.

Where a potential impact to the European Designated site cannot be ruled out at the screening stage, either alone or in combination with other plans or projects, then an Appropriate Assessment would be required to be undertaken by the LPA. The Appropriate Assessment establishes whether in the view of the site's conservation objectives the development would have an adverse effect on the integrity of the site or any of its features. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the development can only then proceed if there are no alternative

solutions, there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

Further details regarding the assessment of Development Proposals Likely to Affect an Internationally Designated Nature Conservation Site can be found in Annex 3 of Welsh Government Technical Advice Note 5, Nature Conservation and Planning (2009).

Therefore it is considered that currently there is insufficient information to enable the LPA to assess the potential impacts to a European Designated Site – The River Wye SAC – and further information in the form of a pollution prevention plan is requested.

In addition in accordance with PCC's Environment (Wales) Act 2016 Duty, TAN 5, PCC's Biodiversity SPG and UDP Policy SP3, a scheme of Ecological Enhancements should be secured as part of the application thus ensuring net biodiversity benefits (biodiversity enhancements) through the proposed development. This could include:

- provision of bird and bat boxes including the details of the number, type and location of these boxes;
- provision of wildlife sensitive landscaping.

Measures identified will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable. A Biodiversity Enhancement Plan could be secured through a planning condition, however as further information has been requested, the provision of information at this stage regarding the details and locations of any biodiversity enhancements to be provided would avoid the need for a pre-commencement condition.

2nd email response received 8th August 2017

Thank you for consulting me with regards to planning application P/2017/0119 which concerns an application for the upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works at Wyeside Caravan Park, Rhayader, Powys.

I have reviewed the proposed plans submitted with the application, photographs taken during your site visit as well as aerial photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 214 record of protected and priority species within 500m of the proposed development, no records were identified for the site itself. A number of records identified within 500m of the site were for otter, bat species and W&CA Schedule 1 and Environment (Wales) Act 2016 Section 7 bird species.

The following statutory designated sites are present within 500m of the proposed development:

- River Wye SAC
- River Wye (Upper Wye) SSSI

Given the proximity of the proposed development to 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.

In order to ensure all relevant Natura 2000 sites were considered a search for Natura 2000 sites within 2km of the proposed development was carried out, the following Natura 2000 sites were identified:

- River Wye SAC
- Elan Valley Woodlands SAC
- Elenydd – Mallaen SPA

Having reviewed the nature of the proposed development and the distance from the site to the identified Natura 2000 sites as well as potential pathways and associated mobile species it was identified that the proposed development had potential to impact the River Wye SAC and that HRA Screening would be required to determine whether there would be a Likely Significant Effect to the SAC and/or its associated features from the proposed development.

The potential for the proposed development to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

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

No non-statutory designated sites are present within 500m of the proposed development.

The proposed development seeks to upgrade facilities at the existing site to enable improved access to the site in all weather conditions, the Design and Access Statement identifies that the purpose of the proposed development is not to increase the visitors to/users of, the Site.

The site affected by the proposed development comprises an area of amenity grassland which is intensively managed through cutting, a mixture of native species-rich and species poor hedgerows are present along the eastern and southern boundaries, the western boundary adjacent to the River Wye is formed by linear trees. The habitats affected by the proposed development are considered to be of low ecological value, habitats of high ecological value are present along the boundaries of the site but it is understood that there will not be affected by the proposed development.

A Construction Method Statement produced by Camping and Caravanning Club date May 2017 has been submitted with the application, this document details Pollution Prevention Measures that will be implemented during the construction phase of the proposed development. I have reviewed the proposed measures and consider that they are appropriate and in line with current recommendations and guidelines with regards to pollution prevention. It is recommended that adherence to and implementation of the identified measures within the Construction Method Statement is secured through an appropriately worded condition.

A Biodiversity Enhancement Report produced by WYG dated June 2017 has been submitted as part of the application, this report considers the habitats present, potential for presence of protected species and identifies mitigation and enhancement measures to protect and enhance biodiversity through the proposed development. I have reviewed the proposed measures and consider that they are appropriate and in line with National guidelines. I consider that the proposed mitigation measures would be sufficient to ensure that the

proposed development would not result in the loss of or significant impacts to biodiversity at the site or in the wider environment. It is recommended that adherence to and implementation of the identified measures within the Biodiversity Enhancement Report is secured through an appropriately worded condition.

It is noted that the proposed plans and associated Design and Access statement indicate the provision of landscaping as part of the proposed development. The provision of landscaping is welcomed, and it is noted that the Biodiversity Enhancement Report identifies that species to be used in the proposed landscaping are native this is considered to be in accordance with UDP policy GP1 and would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.

Given the relatively rural location of the proposed development and proximity to the River Wye and features identified as having potential to be used by foraging or commuting nocturnal wildlife careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area, it is noted that lighting is referred to in the Biodiversity Enhancement Report – however no specific details have been provided. It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.

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

The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: 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.

The development shall be carried out strictly in accordance with the measures identified in Section 4.0 - Retention and Enhancement: Habitats and Section 5.0 - Mitigation and Enhancement: Protected Species of the Biodiversity Enhancement Report produced by WYG dated June 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: 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.

Prior to the commencement of the development a detailed 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

Reason: 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.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, 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.

Natural Resources Wales

First response received 9th March 2017

Thank you for your consultation advice received on 10th February 2017. We have previously provided pre-app advice to WYG Engineering Ref: CAS-27220-G1Y4. In our response we detailed a requirement, "The applicant will need to provide detailed hydraulic modelling in support of any planning application and address the bullet points below".

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - Prior to occupation of the replacement static caravans, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

Flood Risk

The application site, relating to existing highly vulnerable development, lies entirely within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our flood map information, which is updated

on a quarterly basis, confirms the site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, designated as an ordinary watercourse along this reach.

The following flood risk advice is based on there being no increase in occupancy as a result of the proposed pitch upgrades. However, for existing camping and caravan sites that are sited in floodplain, the opportunity should be taken to increase resilience and understanding of the flood risk posed.

General Comments

- A proposed 5 m watercourse corridor must be agreed with the Lead Local Flood Authority. All works affecting the River Wye and its banks may need prior consent from Powys CC as LLFA for this reach of the Wye.
- Drainage proposals to be commented on by the Lead Local Flood Authority.

Comments on the Flood Procedure & Policy Document

We note that references are made to the Environment Agency and we consider that this indicates that there is a misunderstanding of roles and responsibilities along this reach of the River Wye.

We advise that the Flood Procedure & Policy document should be rebranded and amended in line with the attached guidance, 'Your Caravan/Camping/Holiday Park Site Could be at Flood Risk > Practical Advice on Keeping You, Your Residents and Your Visitors Safe in a Flood' and agreed with Powys County Council Emergency Planning Department, prior to granting of any planning permission.

Condition1 - Prior to occupation of the replacement static caravans, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Reason: To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

Comments: It is strongly advised that the site is evacuated before any part of the site becomes inundated with floodwater. The management plan must be a 'living' document, to be amended when and as improved flood data becomes available.

We recommend that your consideration is given to consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency plans, procedures and measures to address structural damage that may result from flooding.

Please note, we do not normally comment on or approve the adequacy of flood emergency plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

This includes assessment of residual risks, including impacts on access. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

Comments on FCA dated January 2017, Ref A100799, compiled by WYG

We consider that the FCA does not appropriately address the issues with this application in a flood plan and we re-iterate our previous advice below. We advise that the primary source of mitigation is a detailed and approved flood management plan.

We observe that section 4.2.1 of the FCA suggests that the proposed development is less vulnerable however section 5.1 of TAN15 advises that caravan parks should be considered as highly vulnerable for justification purposes.

Our previous development & Flood risk advice stated; “The applicant would be advised provide detailed hydraulic modelling however, the indicative flood levels suggest that detailed hydraulic modelling may not assist in the justification of the proposed development other than to corroborate the flood map extent and highlight that the current location is not sustainable or safe in flood risk terms.”

We advise the LPA that criteria within tables A1.14 and A1.15 of TAN15 cannot be met without detailed modelling and we cannot quantify the extent of the risk.

Without the benefit of detailed modelling, we can only advise the Planning Authority that criteria within tables A1.14 and A1.15 of TAN15 would fail. However, we would be unable to quantify extent of risk. However as we deduce that there will be no intensification of occupancy nor will there be any consideration to siting permanent static caravans on the proposed pitches the need for detailed modelling is not considered proportionate.

NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

However, we would advise that evacuation once a flood warning is issued may be considered too late, depending on the trigger levels, especially if river levels were rising during the night, say. Previous advice and relevant references to sections of TAN15 should help inform a proportionate and sustainable management plan.

Compilation of an updated robust management plan will be a key element to the safety of occupants and should be included as a condition in any planning approval. This is the only element that can offer betterment over the current situation and so should be maintained on a regular basis for the lifetime of the development.

We emphasise that acknowledgment of this betterment is based on there being no intensification of the site in terms of occupancy or nature of caravans, i.e. no static caravans. Any future proposals to increase numbers of pitches would be resisted, if we were consulted as part of any planning application. Introducing more people into flood risk areas is not considered sustainable in flood risk terms.

River Wye SAC/Upper River Wye SSSI

The proposal site is already in use for camping and tourer caravans and it is immediately adjacent to the River Wye SAC/Upper River Wye SSSI. The pre-application information has not included detail on the composition of the additional bases. It would be preferable that

permeable surfaces are used. Provided that a pollution prevention plan is implemented during the construction process we consider that there would be no likely significant effect on the River Wye SAC.

A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction. No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

Guidance for Pollution Prevention GPP5 “Works and maintenance in or near water” has recently been updated (January 2017) and will be found at <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000

Provided that there is sufficient capacity on site for handling waste from mobile units with chemical toilet waste and this is managed to prevent runoff or overflow into the river there is not likely to be an impact on the protected sites. We consider that subject to chemical toilet waste being appropriately managed, there would be no likely significant effects on the River Wye SAC/Upper River Wye SSSI. Further information is provided under the relevant sections below.

Chemical Toilet Waste

Existing permits may need to be revised to ensure that there is sufficient capacity for increased occupancy and it is advised that you contact the NRW Permitting Service.

Chemical toilet waste must be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment.

The cesspool must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The applicant must obtain any necessary permit prior to any works starting on site.

Foul Drainage

We note that the site is near the Dwr Cymru / Welsh Water main sewer catchment for Rhayader. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer.

Dwr cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

European Protected Species – Bats and Otters

An ecological report has not been provided with this proposal. Bats and Otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Otters are a feature of the River Wye SAC as well as being a European protected species.

Possible effects on bats could be mitigated by directing site lighting away from the river banks and to limit the impacts of light pollution on bats using the river corridor. We consider that otters using the nearby river would be used to levels of human activity as the camp site is already in use. We recommend that any permission should include a condition for Reasonable Avoidance Measures to avoid disturbance and injuries to otters.

The planning submissions did not include any information as to whether the pitches will have electricity supply points or whether there will be any security lighting near access barriers. Therefore we recommend the following conditions should be included in any permission.

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted to include the following;

- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow otters to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day.
- Construction works to be carried out during daylight hours only.

- Creation of a fenced off buffer area separating the hedgerow / river / woodland from the development site. No machinery or works to be carried out within the buffer zone.

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

To conclude, we trust that the pre-application advice provided above is of assistance to you and provides details of the information and surveys that NRW would expect any application to be supported by. This information will allow NRW to fully assess the possible impact of the proposal on natural heritage interests.

Second - Revised response received 24th March 2017 (amended response so Condition 1 is appropriately worded)

Thank you for your consultation advice received on 10th February 2017. We have previously provided pre-app advice to WYG Engineering Ref: CAS-27220-G1Y4. In our response we detailed a requirement, “The applicant will need to provide detailed hydraulic modelling in support of any planning application and address the bullet points below”.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

Flood Risk

The application site, relating to existing highly vulnerable development, lies entirely within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice

Note 15: Development and Flood Risk (TAN15). Our flood map information, which is updated on a quarterly basis, confirms the site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, designated as an ordinary watercourse along this reach.

The following flood risk advice is based on there being no increase in occupancy as a result of the proposed pitch upgrades. However, for existing camping and caravan sites that are sited in floodplain, the opportunity should be taken to increase resilience and understanding of the flood risk posed.

General Comments

A proposed 5 m watercourse corridor must be agreed with the Lead Local Flood Authority. All works affecting the River Wye and its banks may need prior consent from Powys CC as LLFA for this reach of the Wye.

Drainage proposals to be commented on by the Lead Local Flood Authority.

Comments on the Flood Procedure & Policy Document

We note that references are made to the Environment Agency and we consider that this indicates that there is a misunderstanding of roles and responsibilities along this reach of the

River Wye.

We advise that the Flood Procedure & Policy document should be rebranded and amended in line with the attached guidance, 'Your Caravan/Camping/Holiday Park Site Could be at Flood Risk > Practical Advice on Keeping You, Your Residents and Your Visitors Safe in a Flood' and agreed with Powys County Council Emergency Planning Department, prior to granting of any planning permission.

Condition1 - Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Reason: To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

Comments: It is strongly advised that the site is evacuated before any part of the site becomes inundated with floodwater. The management plan must be a 'living' document, to be amended when and as improved flood data becomes available.

We recommend that your consideration is given to consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency plans, procedures and measures to address structural damage that may result from flooding.

Please note, we do not normally comment on or approve the adequacy of flood emergency plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

This includes assessment of residual risks, including impacts on access. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

Comments on FCA dated January 2017, Ref A100799, compiled by WYG

We consider that the FCA does not appropriately address the issues with this application in a flood plan and we re-iterate our previous advice below. We advise that the primary source of mitigation is a detailed and approved flood management plan.

We observe that section 4.2.1 of the FCA suggests that the proposed development is less vulnerable however section 5.1 of TAN15 advises that caravan parks should be considered as highly vulnerable for justification purposes.

Our previous development & Flood risk advice stated; “The applicant would be advised provide detailed hydraulic modelling however, the indicative flood levels suggest that detailed hydraulic modelling may not assist in the justification of the proposed development other than to corroborate the flood map extent and highlight that the current location is not sustainable or safe in flood risk terms.”

We advise the LPA that criteria within tables A1.14 and A1.15 of TAN15 cannot be met without detailed modelling and we cannot quantify the extent of the risk.

Without the benefit of detailed modelling, we can only advise the Planning Authority that criteria within tables A1.14 and A1.15 of TAN15 would fail. However, we would be unable to quantify extent of risk. However as we deduce that there will be no intensification of occupancy nor will there be any consideration to siting permanent static caravans on the proposed pitches the need for detailed modelling is not considered proportionate.

NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

However, we would advise that evacuation once a flood warning is issued may be considered too late, depending on the trigger levels, especially if river levels were rising during the night, say. Previous advice and relevant references to sections of TAN15 should help inform a proportionate and sustainable management plan.

Compilation of an updated robust management plan will be a key element to the safety of occupants and should be included as a condition in any planning approval. This is the only element that can offer betterment over the current situation and so should be maintained on a regular basis for the lifetime of the development.

We emphasise that acknowledgment of this betterment is based on there being no intensification of the site in terms of occupancy or nature of caravans, i.e. no static caravans.

Any future proposals to increase numbers of pitches would be resisted, if we were consulted as part of any planning application. Introducing more people into flood risk areas is not considered sustainable in flood risk terms.

River Wye SAC/Upper River Wye SSSI

The proposal site is already in use for camping and tourist caravans and it is immediately adjacent to the River Wye SAC/Upper River Wye SSSI. The pre-application information has not included detail on the composition of the additional bases. It would be preferable that permeable surfaces are used. Provided that a pollution prevention plan is implemented during the construction process we consider that there would be no likely significant effect on the River Wye SAC.

A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction. No material should be deposited within 10m of any watercourse without discussion with Natural

Resources Wales.

Guidance for Pollution Prevention GPP5 "Works and maintenance in or near water" has recently been updated (January 2017) and will be found at <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of banded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000

Provided that there is sufficient capacity on site for handling waste from mobile units with chemical toilet waste and this is managed to prevent runoff or overflow into the river there is not likely to be an impact on the protected sites. We consider that subject to chemical toilet waste being appropriately managed, there would be no likely significant effects on the River Wye SAC/Upper River Wye SSSI. Further information is provided under the relevant sections below.

Chemical Toilet Waste

Existing permits may need to be revised to ensure that there is sufficient capacity for increased occupancy and it is advised that you contact the NRW Permitting Service.

Chemical toilet waste must be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment.

The cesspool must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The applicant must obtain any necessary permit prior to any works starting on site.

Foul Drainage

We note that the site is near the Dwr Cymru / Welsh Water main sewer catchment for Rhayader. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer.

Dwr cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

European Protected Species – Bats and Otters

An ecological report has not been provided with this proposal. Bats and Otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Otters are a feature of the River Wye SAC as well as being a European protected species.

Possible effects on bats could be mitigated by directing site lighting away from the river banks and to limit the impacts of light pollution on bats using the river corridor. We consider that otters using the nearby river would be used to levels of human activity as the camp site is already in use. We recommend that any permission should include a condition for Reasonable Avoidance Measures to avoid disturbance and injuries to otters.

The planning submissions did not include any information as to whether the pitches will have electricity supply points or whether there will be any security lighting near access barriers. Therefore we recommend the following conditions should be included in any permission.

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted to include the following;

- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow otters to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day.
- Construction works to be carried out during daylight hours only.
- Creation of a fenced off buffer area separating the hedgerow / river / woodland from the development site. No machinery or works to be carried out within the buffer zone.

Condition 4

- Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

To conclude, we trust that the pre-application advice provided above is of assistance to you and provides details of the information and surveys that NRW would expect any application to be supported by. This information will allow NRW to fully assess the possible impact of the proposal on natural heritage interests.

Third response received 23rd May 2017

We have previously provided advice regarding this case on;
22nd December 2016 CAS-27220-G1Y4
9th March 2017 CAS-29467-Z1Z2
24th March CAS-29467-Z1Z2

In addition we sent an email to the LPA on 19th April 2017 to query whether the application relates to formalisation of pitches or an intensification of occupancy.

We have now seen the email from Sarah Butterfield of WYG (12th May) which confirms that “the application only seeks to formalise existing grass pitches and not to intensify the use of the site in terms of the overall number of pitches nor change the use from camping and caravanning. In terms of the opening season the applicant understands there are no current restrictions on the opening season and this is not proposed to be altered as part of the current application.”

Formalisation of grass pitches with no increase in season does not increase the level of flood risk and as we have explained in our previous correspondence that the primary mitigation is a robust flood management plan. Further flood modelling would be helpful in terms of quantifying the level of flood risk.

The Planning Authority, Emergency Planner and operator of the site need to provide a robust management plan which ensures occupants remain safe during a predicted flood event.

We advise that conditions, as we previously detailed in CAS-29497-Z1Z2 24th March 2017 should be attached to any planning permission granted.

Fourth response received 19th July 2017

Thank you for consulting Natural Resources Wales (letter dated 02/07/2017) regarding additional information on the above.

Our latest response to this consultation was on 24/03/2017 (CAS-29467-Z1Z3) when we recommended that the application could be approved subject to the following conditions:

Condition 1: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2: A condition requiring submission and implementation of a Pollution Prevention Plan.

Condition 3: A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4: Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats/otters (all tree lines, river bank and hedgerows surrounding the site).

We note the additional information submitted to your authority, namely, Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17. Information within the above mentioned additional documents indicates that certain concerns we suggested to address via conditions 1 to 5 in our response of 24/3/2017 have already been addressed.

NRW does not object to the proposal, subject to the use of appropriate conditions.

Summary of Conditions

Condition 1 - FMP: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - PPP: Submission and implementation of a Pollution Prevention Plan.

Condition 3 - RAMS: The implementation of the Reasonable Avoidance Measures for otters and bats as described in the Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17.

Flood risk

We have no additional comments to add on flood risk, please refer to our letter of 24/3/2017 (CAS-29467-Z1Z3).

Condition 1 - FMP: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

River Wye SAC / Upper River Wye SSSI

A pollution prevention plan (PPP) should be created and implemented to prevent pollution of the water environment and nearby SAC during construction.

Condition 2 - PPP: Submission and implementation of a Pollution Prevention Plan.

We note that some recommendations have been made in the construction method statement dated May 2017 by P Bagnall and the Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG.

We recommend that a comprehensive PPP is also submitted and implemented in line with Guidance for Pollution Prevention GPP% "Works and maintenance in or near water" which has recently been updated (January 2017) and can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppps-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any contaminated water or material enter or pollute the nearby River Wye or ground water, NRW must be notified immediately on Tel: 03000653000.

Chemical Toilet Waste and foul drainage

We have no additional comments to add on foul drainage, please refer to our letter of 24/3/2017 (CAS-29467-Z1Z3).

Protected Species

We recommend the reasonable avoidance measures described in the Biodiversity Enhancement Report dated June 2017 by WYG, the construction method statement dated May 2017 by P Bagnall, the Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17 are implemented as part of the development.

Condition 3 - RAMS: The implementation of the Reasonable Avoidance Measures for otters and bats as described in the Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport (Trunk Road)

First email received 3rd March 2017

I refer to your consultation of 10 February 2017 regarding the above application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

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

Second email received 13th July 2017

I refer to your consultation of 3 July 2017 regarding the above application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

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

Countryside Services – Rights of Way

First email received 6th March 2017

Thank you for your consultation regarding the above application.

Public byway RD420 extends from the A470(T) south-west across the development site to the River Wye. The byway is crossed by the current and proposed access road and must remain accessible to users on foot, horse, horse-drawn cart and vehicular traffic. Any works resulting in a change of level, such as kerbside edging, at the edges of the access road must be avoided. Two upright metal poles installed on the byway at the intersection of the access road appear to fall within the development area. These constitute an unlawful obstruction to users of the byway and should be removed as soon as possible.

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

Second email received 11th July 2017

Re the additional information submitted for application P/2017/0119 – there are no additional comments in relation to the public rights of way.

Environmental Health

Received 1st March 2017

I have no comments to make.

Commons Registration (Recreation and Countryside Services)

Email Received 7th March 2017

I refer to the above Planning Application which was brought to my attention by a colleague because registered Common Land Unit Number RCL072 is situated within the Wyese Caravan Park. I attach an extract from the Commons Registration Map as it is worth the applicant being aware of the location of RCL072. The original map can be inspected at the Gwalia Offices, Llandrindod Wells.

Commons Registration Records show that:

- The land is in the ownership of Powys County Council
- All registered Common Land is subject to a public right of access on foot for informal recreation granted under the Countryside & Rights of Way Act 2000.

It is noted from the planning application documents submitted that permission for a replacement internal site access road is sought. Part of this road travels across the piece of common land. In this case the laying of tarmac is for the repair of an existing surface and no additional consent under Section 38 of the Commons Act 2006 from the Welsh Government is required, however the applicants should ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

Second response received 5th July 2017 following submission of revised plans:

Commons Registration has no additional comments.

Representations

A public site notice was displayed on the 24th February 2017. A revised site layout and supporting information were received on the 29th June 2017 and revised site notices were displayed on the 3rd July 2017 together with a re-consultation of all consultees. At the time of writing this report 11 individual representations have been made (from 8 different properties), which are summarised below:

- Concerns raised regarding the site being "gifted" to the town of Rhayader for camping and touring use.
- Flood risk concerns.
- Biodiversity concerns.
- Impact on tourism.
- Will prevent access to river bank for local fishing club.
- Increased traffic activity.
- Noise concerns.
- Concerns over the formality of the proposed site.

Planning History

CL42 – Certificate of Lawful use or development – for up to 30 touring caravans on land at Wyese Caravan Park. Approved.

Principal Planning Constraints

Flood Zone
Public Right of Way - 157/420/1,4
Radnor Common Land - RCL072
A470 Trunk Road
SSSI – River Wye
SAC – River Wye

Principal Planning Policies

National planning policy

Planning Policy Wales (Ed 9, 2017)
Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 11: Noise (1997)
Technical Advice Note 13: Tourism (1997)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 23: Economic Development (2014)

Local Policies

Unitary Development Plan, March, 2010

GP1 - Development Control
GP3 - Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV 2: Safeguarding the Landscape
ENV 3: Safeguarding Biodiversity and Natural Habitats
ENV 5: Nationally Important Sites
ENV 7: Protected Species
EC1 – Business, Industrial and commercial developments
DC1 - Access by Disabled Persons
RL4 - Outdoor Activity and Pony Trekking Centres
RL6 - Rights of Way and Access to the Countryside
SP3 – Natural, Historic and Built Heritage
SP8 – Tourism Developments
SP14 - Development in Flood Risk Areas
T6 – Walking and Cycling
TR7 – Touring Caravan and Camping Sites

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

Principle of development

Consideration has been given to Policy TR7 of the Unitary Development Plan (2010) which is of particular relevance to this planning application.

Policy TR7 of the Unitary Development Plan (2010) indicates that proposals for new touring caravan and camping sites or for extensions to existing sites will be permitted where the site would be located within 1 kilometre of suitable roads, where a safe access is available, where the site can be assimilated into the landscape and screened from the public highway and where the site is not to be used for the permanent siting of caravans or permanent residential use and a seasonal occupancy condition is attached to any planning permission.

Having considered the submission, the proposal is to offer pitches on the existing camping site for tented camping, touring caravans and motorhomes. The planning application is for site upgrades and improvements that will include:

- The conversion of 31 existing grassed pitches to gravel hardstanding's (the original submission was for 42 hardstanding's which was amended on the 29th June 2017 after concerns were raised by the Town Council and local residents).
- Provision of a replacement site access road (including drainage channels) to serve the pitches and a stoned car park area near to the entrance to the site.
- Provision of a service area and a motorhome service point including drainage attenuation cells.
- Provision of a site managers pitch.
- Provision of a bin storage area.
- Provision of electric site access and egress barriers.
- Provision of approximately 15 electricity hook-up bollards to serve the pitches.
- On site landscaping.

Having considered the application, the site is located off the A470 trunk road with a safe access. The site is an existing tourist facility used for camping, touring caravan and motorhomes and is screened from the highway and assimilated into the landscape. It is therefore considered that the proposal as submitted fundamentally complies with Policy TR7 of the Unitary Development Plan (2010) and therefore the principle of development is deemed acceptable.

Highway safety

UDP Policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from the existing access off the A470 trunk road.

The Highway Authority has been consulted on the application and has confirmed that they do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

The Trunk Road Agency has been consulted and has confirmed that the Welsh Government as highway authority for the A470 trunk road does not wish to issue a direction in respect of this application.

In light of the above consultee responses, it is considered that the proposal is in accordance with Policy GP4 of the Unitary Development Plan.

Impact on ecology

Consideration has been given to Policies ENV 2, ENV 3 and ENV 7 of the UDP which state that development proposals are to take into consideration the need to maintain biodiversity and the nature conservation and amenity value of habitats and features that are of importance.

The River Wye Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) border the western boundary of the site. A Biodiversity Enhancement Plan (June 2017) has been submitted by the Agent on the 29th June 2017 as supporting information. This plan indicates that all hedgerows and trees within the site are to be retained and protected and a 5 metre buffer adjoining the western boundary of the site has been retained and is not included within the site boundary.

As part of the application areas of habitat are to be created which include; proposed new hedging in the centre of the site and along the western boundary to provide additional wildlife habitats. Areas of long grassland will be created along the eastern and southern boundary, nesting features to increase opportunities for breeding birds on site are to be installed and roosting features to increase opportunities for bats on site are to be installed. The Agent has confirmed that there will be a net loss of 0.3 hectares of amenity grassland to accommodate the proposed conversion of grass pitches.

A Construction Method Statement has been submitted as supporting information on the 29th June 2017 which details Pollution Prevention Measures that will be implemented during the construction phase of the proposed development.

The County Ecologist has been consulted and has provided comments with regard to the proposed development and has confirmed that the River Wye SAC and the River Wye (Upper Wye) SSSI fall within 500 metres of the site. The River Wye SAC, the Elan Valley Woodlands SAC and Elenydd-Mallaen SPA are noted to fall within 2km of the proposed development. Due to the proximity of the development to the River Wye SAC it was deemed

necessary for a Habitat Regulations Assessment (HRA) to be undertaken. The County Ecologist confirms that having considered the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and / or its associated features.

The County Ecologist has noted that should the local planning authority be minded to approve the application then the inclusion of suitably worded conditions are to be included which will ensure that the development is carried out in accordance with the measures identified within the Construction Method Statement and the Biodiversity Enhancement Report (June 2017). In addition a request for a detailed Landscape and Management Plan and lighting design scheme through condition has been requested.

In light of the above and having considered the comments of the County Ecologist it is considered that subject to the inclusion of suitably worded conditions, the proposed development can be managed to an acceptable level and therefore complying with relevant planning policy, particularly policies ENV 2, ENV 3 and ENV 7 of the UDP.

Flooding

The site as submitted is located in Flood Zone C, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) and hence a Flood Consequences Assessment (FCA) was submitted in support of the application.

The Agent has confirmed that the application only seeks to formalise existing grass pitches and not to intensify the use of the site in terms of the overall number of pitches nor change the use from camping and caravanning. In terms of the opening season the Agent has noted that there are no current restrictions on the opening season and this is not proposed to be altered as part of the current application.

NRW have been consulted as part of the application and do not have objections subject to the use of appropriately worded conditions relating to the submission of a flood management plan prior to occupation of the improved pitches, the submission of a pollution prevention plan and the implementation of the reasonable avoidance measures as outlined in the Biodiversity Enhancement Plan (dated June 2017).

In light of the above, and having considered Policy SP14, it is considered that the submission has demonstrated that an intensification of the current use is not taking place and that the consequence of any flooding would be acceptable for the development proposed and that the works will not give rise to any unacceptable flooding impacts elsewhere. It is therefore considered that the proposal fundamentally accords with Policy SP14 of the UDP subject to appropriately worded conditions.

Appearance, materials, layout and scale

For clarification the submission includes the following proposals:

- The conversion of 31 existing grassed pitches to part gravel hardstanding's. Hardstanding details have been submitted (drawing no.STD.15) which indicate a 5 metre by 9 metre stone hardstanding (within an 11 metre by 11 metre pitch

plot) with timber edging, sub-base, geo-lay matting and stone to finish. The remainder of each pitch will remain grassed.

- Provision of a replacement tarmac site access road (including drainage channels) to serve the pitches. Details of the road (Drawing no: STAND/0009) indicate an 8 metre wide single / one way system road with 500mm wide gravel drainage strips on either side.
- Provision of a stone car park area close to the existing entrance to the site measuring approximately 24 metres by 5 metres.
- Provision of a motorhome service point (combined with a service area) is to be located near the site entrance in the northern part of the site. Plans submitted STAND/030 indicate a 22 metre by 6 metre pull in bay located directly north west of the entrance to the site. The service point allows touring caravans to dispose of foul water and replenish clean water. The proposed pull-in area will have a tarmac surface with a service area located directly west of the pull-in layby.
- A further service area will be located in the southern section of the site. This area will incorporate a service area with bollard for both drinking water and wash out taps. The 4 metre by 3 metre service area will be secured on all sides by a timber fence. The service area will provide for the disposal of general waste water and the replenishment of drinking water.(Plan STD.04)
- The site manager's pitch is proposed on the eastern boundary of the site close to the entrance area. The 11 metre by 9 metre pitch will include a 6 metre by 9 metre hardstanding and bounded on all sides by a low timber enclosure fence. A service bollard with integral bottle trap is to be included within the pitch (Plan Stand/016/CED)
- The proposed bin storage is to be located near the site entrance and will comprise a 4.4 metre by 6 metre with concrete slab base and secured by a 1.8 metre high wooden fence. The area is to be accessed by gates (Plan Stand/010).
- Provision of electric site access and egress barriers at the entrance to the site. The barriers are shown on drawing Stand/013 and include a 1.1 metre high barrier with a 6 metre barrier arm and to be operated by a keypad pedestal stand.
- Provision of approximately 15 electricity hook-up bollards to serve the pitches.
- On site landscaping to be undertaken at the entrance and around the proposed motorhome service point and within the site. Landscaping is to be secured through condition.

Consideration has been given to Policy GP1 in relation to the appearance of the proposed works, the proposed materials together with site layout and scale.

GP1 states that the design, layout, size and scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area.

Having assessed the proposals as outlined above, it is considered that the proposed works are of a suitable scale and design with appropriate materials to the location. Concerns have been raised by the Town Council and local residents during the course of the application and the applicant provided revised plans on the 29th June 2017 which reduced the proposed number of hardstanding pitches from 42 to 31. This reduction now shows an area of open grassland along the western boundary of the site (adjoining the river) which can be accessed for tented accommodation. The hardstanding pitches are also available for tented accommodation across the site. With regard to the proposed site manager's pitch, the Agent has confirmed that the site manager is required to have a presence on site at all times and hence the proposal for a permanent pitch.

In consideration of the appearance of the proposed works, materials proposed and the layout and scale it is considered that the proposal fundamentally complies with Policy GP1 of the Unitary Development Plan (2010).

Impact on residential amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected.

Objections have been submitted by local residents that offer concern regarding noise and amenity impacts from the proposed development.

Environment Health has been consulted regarding this matter and do not have any objections.

The nearest properties to the proposed site are Upper Ffynnon Fair which is located approximately 22 metres from the proposed site manager's pitch in an easterly direction. No 1 and 2 Ffynnon Fair are located approximately 25 metres distant in an easterly direction from the proposed hardstanding pitches located on the lower southern section of the site. The development proposals along the eastern boundary of the site closest to nearby properties are to include the site manager's pitch, and 10 pitches (to include a hardstanding area).

The use of the field currently is for touring caravans, motorhomes and tented camping and the total number of pitches the site currently accommodates is 60. The application does not increase the number of pitches but formalises the layout by providing a hardstanding area and electric hook up point for those that require it. The proposed number of hardstanding pitches is 31.

Taking into account the comments of Environmental Health and the established use of the site at present, it is considered that issues with regard to noise and associated amenity issues will not unacceptably affect the nearby residents due to the use currently established on the site and the distance of approximately 25 metres between neighbouring properties and the application site.

In light of the consultee responses and taking into account the proposed development, it is therefore considered that the application fundamentally accords with Policy GP1 of the UDP.

Landscape and visual impacts

UDP Policy ENV2 states that proposals should 'take account of the high quality of the Landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The application as submitted is on an existing camping site on the edge of the settlement of Rhayader. The site is already well screened from the adjoining A470 trunk road to the east and an existing tree line exists along the river edge which also provides screening to the west. Having considered Policy ENV2 of the UDP, the high quality of the landscape in this location is recognised, however, as the application is for works that are commonly found on a camping site of this nature, it is considered that the application fundamentally accords with Policy ENV2 in this respect.

Land ownership issues

During the course of the application the Town Council and public representations have made reference to the site being "gifted" to the town of Rhayader.

It is understood that Powys Council have leased the land the subject of this planning application to the Camping and Caravanning Club (lease dated 1st June 2016) and any issues with regards to the breach of the lease are to be dealt with as a legal matter between the Council Legal Team and the Camping and Caravanning Club. Matters relating to the lease are not planning considerations and as such should not be considered in determining this application. With regard to the public byway RD420 that crosses the site, the Agent has confirmed that this will remain accessible with no changes proposed.

Other 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.

Decision

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy and therefore the recommendation is one of conditional approval.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and supporting documents stamped as approved on XXXX .(Amended Proposed Site Layout Plan Drawing No. WYE/000/17 Rev A, Hardstanding detail STD.15 and STAND/0009, Bin Store STAND/010, Site manager pitch STAND/016/CED, Service Area STD.04, Motorhome service point combined with service area STAND/030, Hook up bollard and plinth detail STAND/028, Construction Method Statement (May 2017), Information to support an Assessment of Likely Significant Effects under the Habitat Regulations (June 2017), Flood Procedure and Policy (as amended) received 14th March 2017, Biodiversity Enhancement Report (June 2017), Flood Risk Consequences Assessment (January 2017)

3. Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.
4. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained as such in perpetuity..
5. The development shall be carried out strictly in accordance with the measures identified in Section 4.0 - Retention and Enhancement: Habitats and Section 5.0 - Mitigation and Enhancement: Protected Species of the Biodiversity Enhancement Report produced by WYG dated June 2017 and maintained as such in perpetuity..
6. Prior to the occupation of the development a detailed Landscaping and Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in the first planting season 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
7. No external lighting, with the exception of electric hook-up bollards, 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.
8. The occupation of the Site Managers hardstanding shall be limited to a person solely or mainly employed in the business occupying the site identified as the Wyeside Caravan Park edged red on site layout plan drawing No. WYE/000/17 Rev A.
9. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the Wyeside Caravan Park as shown on site layout plan drawing No. WYE/000/17 Rev A. and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the tourers, tented camping and motorhome accommodation, their main home addresses and their date of arrival and departure from the site.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.
4. 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.

5. 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.

6. 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.

7. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, 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.

8. In order to ensure proper control of the use of the Site Managers accommodation.

9. In order to ensure proper control of the use of the site and to prevent the establishment of permanent residency.

Informative Notes

Recreation and Countryside Services:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

Countryside Services – Rights of Way

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

Dwr Cymru / Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the

Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

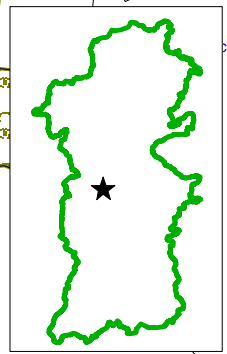
Wales and West

The applicant's attention is drawn to the comments of Wales and West Utilities which are attached to this decision notice for attention.

Case Officer: Karen Probert- Planning Officer
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk

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

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

6.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0010	Grid Ref:	330432.21 312640
Community Council:	Trewern	Valid Date:	Officer: 20/01/2017 Kate Bowen
Applicant:	E M & A R Paddock, c/o Agent		
Location:	Land adjoining The Fron, Middletown, Welshpool, Powys, SY21 8EN		
Proposal:	Outline: Residential development of up to 25 dwellings, construction of vehicular access, car parking facilities and attenuation pond		
Application Type:	Application for Full Planning Permission		

Reason for Committee determination

The application is a departure from the adopted plan and is recommended for approval. In addition, the Local Member (County Councillor Dawn Bailey – prior to local elections) used their ‘call-in’ powers to request Committee determination.

Site Location and Description

The application site is located on the north western side of the A458 trunk road and to the east of All Saints Church. The site rises from the trunk road towards the north west (towards Middletown Hill) and forms part of a larger field which is currently in agricultural use. The field is bound by hedgerows along the north eastern and western boundaries with a hedgerow and post and rail fencing along the southern boundary with the trunk road. The application site extends to 1.82ha.

The application is submitted in outline with access to be considered at the outline stage for the erection of up to 25 dwellings, construction of vehicular access and attenuation pond with various indicative scales as set out below:

- 14, 2/3 bedroomed semi-detached houses (7.5m x 5.5m);
- 7, 3/4 bedroomed detached dwellings (ranging from 7.7m x 8.5m to 8.7m x 11m); and
- 4, 4/5 bedroomed detached dwellings (ranging from 11m x 12m to 11m x 13m).

The submission indicates alterations to the existing means of access to the land off the trunk road with parking provision allocated for each dwelling. The proposal also includes an attenuation pond and a public open space in the western and south western corner of the application site. Initially the indicative layout included a car parking area for visitors to the neighbouring All Saints Church, however this element has been removed from the indicative layout plan with reconsultation having taken place.

Consultee Response

Trewern Community Council

Trewern Community Council considered this planning application at its meeting on 21 February 2017.

We are concerned about the access from the proposed site onto the A458. We would want to be satisfied that creating a new access for up to 25 houses would not create a safety hazard on this stretch of road.

We recognise the benefit of providing car parking for the church which does not at present exist.

As a Community Council we have not received any representations from local residents about this proposed development.

PCC Building Control

Building Regulations application required.

PCC Highway Authority

As the principal access is served off the A458 Trunk road I have no objection and I assume Transport Wales will respond accordingly. I would suggest that a footway is at least constructed across the frontage of the applicant's site.

With regard to the internal design of the proposed residential estate then the reserved matters application needs to accord with the following conditions:-

- HC9** Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than **1 car per bedroom (maximum of 3)** excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
- HC10** 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.
- HC11** Within 5 days from 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 **0.45 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.
- HC14** Any internal side-road junctions shall have a corner radii of **6 metres**.
- HC15** The centre line radii of all curves on the proposed estate road shall be not less than **20 metres**.
- HC19** 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.

HC20 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.

HC31 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.

PCC Environmental Health

As a large development in close proximity to existing residential properties, I would recommend the following conditions for the protection of amenity during the construction-phase of the project:

1. Prior to the commencement of development a report shall be submitted to and approved by the local planning authority detailing the provisions for the control of noise, vibration and dust for the construction-phase of development.
2. 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 Sundays and Bank Holidays

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

Wales & West Utilities

No response received.

Severn Trent Water (STW)

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with

a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

PCC Countryside Services

Countryside Services recommends that the application be refused as it does not take into account the existence of restricted byway 5, Middletown, Trewern.

I write to confirm that the above restricted byway would be obstructed by plots 22 and 23 of the above proposal, and as such it is our duty to point out that it is a criminal offence to obstruct, or to interfere with a public right of way without lawful authority or excuse.

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

The Definitive Map is held in the Council's Gwalia Offices, Ithon Road, Llandrindod Wells, and can be viewed by appointment.

If redesigning the layout of the development is not a possible option, the applicant will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at

<http://www.powys.gov.uk/index.php?id=1756&L=0>

PCC Affordable Housing Officer

No response received.

PCC Ecologist

No response received.

PCC Land Drainage

No response received.

Natural Resources Wales (NRW)

Thank you for consulting Natural Resources Wales (letter dated 24/01/2017) regarding the above.

NRW has commented on this proposal at pre- application stage (our original response letter to the developer is attached for your information).

Our position on the proposed scheme has not changed since our pre- application comments as (i) no new information has been provided, and (ii) the scheme has not been modified, and (iii) we are not aware of changes to planning policy or relevant legislation that may affect our advice/position.

We have however additional comments/clarifications to make with reference to:

- Planning Pollution Plan,
- Additional ecological advice
- Rectification of error with reference to the potential effect of the proposal on the River Wye SAC.

Summary of conditions:

Condition 1 – Pollution Prevention Plan (PPP): The submission of an appropriate Pollution Prevention Plan (PPP) for the construction phase must be submitted to the satisfaction of your authority prior to commencements of works.

Condition 2 – CEMP: No development shall take place (including ground works, site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local Planning authority.

Pollution Prevention Plan (PPP):

A watercourse passes immediately adjacent to the North West corner of the proposal. This water course feeds into the Trewern Brook which is designated as Site of Special Scientific Interest (SSSI) for its geological features.

Our response letter to Berrys' pre application consultation refers to the proximity of the site to the River Wye SAC, this was a cut and paste mistake on our part and we apologise for any confusion it may have caused.

Our recommendations on pollutions made in our letter of 16/12/2016 remain valid and we recommend appropriate conditions are applied to secure the submission of a PPP prior to commencement of works.

Condition 1 – Pollution Prevention Plan (PPP): The submission of an appropriate Pollution Prevention Plan (PPP) for the construction phase must be submitted to the satisfaction of your authority prior to commencements of works.

Ecology:

Our letter of 16/12/2016 suggested that a preliminary ecological assessment should be submitted with the planning application. No ecological report was made available to us in consultation at planning stage, however, based on the records we have available for the area and the habitat present on site, we would conclude that there will be no detrimental effect on any European Protected Species (EPS) that may be present on site provided an appropriate

Construction Environmental Management Plan (CEMP) is submitted to your authority prior to commencement of works (including site vegetation clearance) and implemented accordingly. The CEMP must include, but not exclusive of:

- Appropriate Reasonable Avoidance Measures (RAM) to avoid injuring otters, badgers and other protected species.
- Methodology for hedgerow relocation.
- Attenuation pond design and species composition list if applicable.
- Biosecurity Risk Assessment.
- A wildlife sensitive exterior lighting plan designed to retain dark corridors along boundary hedgerows and trees.
- Persons responsible for implementing the works;
- It may be possible to include the PPP within the CEMP and discharge both conditions with the submission of one document.

Condition 2 – CEMP: No development shall take place (including ground works, site clearance) until a CEMP has been submitted to and approved in writing by the local Planning authority.

All our comments made in our letter of 16/12/2016 with reference to Flood Risk and Surface Water Drainage, Biosecurity, Protected Sites, Foul Drainage, remain valid.

Copy of pre application consultation response dated 16/12/2016 from NRW:

Thank you for referring the above consultation received by us on 21st November 2016.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or permit (either at pre-application or application stage) for the proposed development. At that time there may be new information available which we will need to take into account in making a formal response.

The granting of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before any work commences on site.

Based on the information submitted to us we have given advice on further information that should be included with a planning application and we have detailed the conditions that we would recommend to the Local Planning Authority (LPA) if they should grant planning permission.

Summary of Conditions

Condition 1: A pollution prevention plan for the construction phase must be submitted with the planning application

Condition 2: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Flood Risk and Surface Water Drainage

Due to the size of the scheme flood risk has been considered although it is not located in any B, C1 or C2 flood risk zones as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

Surface water surface water run-off resulting from the proposed development requires effective management and advice should be sought from the Lead Local Flood Authority (Powys County Council).

We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Groundwater Protection: Principles and Practice (2013) Position Statement G13 (Sustainable drainage systems) applies to this development. We support the use of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for run-off from hard surfaces such as roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

Further information is available in the following guidance:

- Welsh Government (2015) Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems
- CIRIA (2015) SuDS manual (C753)

Pollution Prevention

As a watercourse passes immediately adjacent to the North West corner of a pollution prevention plan should be created and implemented.

Condition 1: A pollution prevention plan for the construction phase must be submitted with the planning application

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance with PPG5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the netregs website:

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of banded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be either registered with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010 if the activity meets the exemption criteria or undertaken under an Environmental Permit. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit or environmental permit for any material imported to the site.

The site is near the River Wye SAC. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on Tel: 03000 653000.

European Protected Species

No ecological information has been included in the pre-application documents. A preliminary ecological assessment should be included with the planning application. At the planning stage it is likely that we would encourage the relocation of the hedgerow rather than its replacement with a newly planted one. We would also encourage the habitat enhancements (pond and additional tree planting).

We would request Reasonable Avoidance Measure (RAMS) during the construction minimise injuries to badgers and other wildlife that may be using the site for foraging. We would request a wildlife sensitive exterior lighting plan

Biosecurity

NRW consider biosecurity to be a material consideration in respect of this proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We would therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include appropriate measures or actions that aim to prevent INNS being introduced to the site for the duration of development.

Condition 2: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Protected sites

The nearest protected sites are Moel y Golfa SSSI and Trewern Brook SSSI. We do not consider it likely that they would be impacted by the proposal.

Historic Land Use

In the planning application it would be advisable for the developer/applicant to confirm previous uses at the site and whether or not the site has been subject to potentially contaminative uses in the past.

Foul Drainage

We note that the planning statement states in section 3.2.2 that the site can be served by mains foul drainage and water infrastructure. When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the

development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport Section

Correspondence dated 15/02/2017:

I refer to your consultation of 24 January 2017 regarding the above application and advise that the Welsh Government as highway authority for the A458 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in both direction from a suitable set-back.
- b) Gradient of the access road and the A458 trunk road carriageway
- c) Access width and radii dimensions
- d) Access surfacing type along with depth and width dimensions
- e) Drainage details

The above aspects must conform to Volume 6 Section 2 Part 6 (TD 42/95) of the Design Manual for Roads and Bridges (DMRB).

Correspondence dated 18/04/2017:

I refer to your consultation of 7 April 2017 regarding the above application.

The access works for planning application P/2013/0224 was in-relation to ‘*Erection of an extension to the side of existing dwelling, formation of vehicular access and associated works (resubmission)*’, the current application now incorporates a different use factor for the site and therefore will require an access which is able to accommodate the predicted traffic movements. Therefore the applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-

- a) Gradient of the access road and the A458 trunk road carriageway
- b) Access width and radii dimensions
- c) Access surfacing type along with depth and width dimensions
- d) Drainage details

The above aspects must conform to Volume 6 Section 2 Part 6 (TD 42/95) of the Design Manual for Roads and Bridges (DMRB).

The applicant must also submit a Departure from Standard regarding the 2.4m set-back value, which in accordance with TD 42/95 of the DMRB should be 4.5m.

The Welsh Government as highway authority for the A458 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made.

Correspondence dated 09/06/2017:

I refer to your consultation of 24/01/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

- 1) The applicant must demonstrate how it is planned that pedestrians will access the church from the parking area.
- 2) The applicant must provide total annual average daily traffic (AADT) vehicle movements for the access. These are to include both the proposed residential development and the church car park.

Correspondence dated 11/08/2017:

I refer to your consultation of 4 August 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The access shall be laid out and constructed strictly in accordance with the approved drawing number SA24619/02 Rev B
2. The minimum visibility distances available for vehicles emerging from the proposed access shall be 160m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 4.5 metres from the 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.
3. 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.
4. The width of the proposed means of access shall be 7.3m (minimum) for the first 15m. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway.

5. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

6. During the construction phase 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 and be used by all vehicles exiting the site until construction is complete.

7. 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.

8. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: streetwork@nmwtra.org.uk prior to the commencement of works that will affect the through traffic on the A458 Trunk Road, and agree a Traffic Management Plan.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

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

a) The applicant should be advised that they will 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 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;

c) 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.

d) 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

Open Spaces Society

No response received.

Powys Ramblers Association

The applicant has not marked the right of way on the northern edge of the site or mentioned it in the design and access statement. Can the applicant please be made aware of the need to take account of this right of way as detailed plans for the development are drawn up assuming outline permission is granted. Some suitable boundary treatment e.g. hedges, fences, etc in this area, would be appropriate.

Can the applicant also be reminded of the importance of not obstructing the right of way during any development works and making sure that it is kept open at all times please.

Disability Powys

No response received.

PCC Education

No response received.

PCC Outdoor Leisure & Recreation

Outdoor Recreation Services would ask for a Section 106 contribution. Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the local community council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Services usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.
All private housing up to three bedrooms is £ 1000.00 per property.
All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

Clwyd Powys Archaeological Trust (CPAT)

Thank you for the consultation on this application.

We recently checked this application on the planning register and I can confirm that there are no archaeological implications for the proposed development at this location.

Cadw

Thank you for your letter of 1 February 2017 inviting our comments on the planning application for the proposed development as described above.

The statutory role of Historic Environment Service (Cadw) in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and

development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic Environment: Archaeology*, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The application area is located some 515m south of, and is overlooked by scheduled monument (MG0070) Cefn y Castell. This monument is located on the summit of Middletown Hill and comprises the remains of a hillfort, which probably dates to the Iron Age period c.800BC – AD74.

The proposed development will be an eastward extension of Middletown outside the existing village boundary into open fields. As such it will be clearly visible from the scheduled monument and will have an impact on the setting of the scheduled monument.

The application is accompanied by a heritage impact assessment which has assessed the impact of the proposed development on the setting of scheduled monument (MG007) Cefn y Castell. This has concluded that there will be an adverse impact on the setting of the scheduled monument but that this will not be significant. We concur with that conclusion and having carefully considered the information in the heritage impact assessment, along with other information available at Cadw, it is our opinion that the adverse impact of the development on the setting of scheduled monument (MG007) Cefn y Castell will be low. Therefore Cadw has no objections to the proposal.

PCC Built Heritage and Conservation Officer

Thank you for consulting me on the above application.

I note the proposal is close to a number of designated heritage assets namely;

Scheduled Ancient Monument
Cadw ID MG007 Cefn Y Castell Hillfort

Listed Buildings adjacent to the site
Ivy House Cadw ID 8688 included on the statutory list on 04/10/1989

Historic Environment Record excluding other designations

PRN 7725 Middletown Church (All Saints)
PRN16362 Middletown Church (All Saints) Yard
PRN 15738 Middletown
PRN 37013 Middletown earthworks II

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states “Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

I would advise of TAN24 that came into effect on 31 May which advises in section 1.25 and 1.26 that The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset.

It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings. These principles, however, are equally applicable to all historic assets, irrespective of their designation. For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:

- The significance of the asset and the contribution the setting makes to that significance

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset such as noise.

The definition of setting is addressed in the annexe to TAN24 Managing Setting of Historic Assets in Wales and explains that the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features. For example, the setting of a listed farmhouse might be its physical agricultural surroundings, both built and landscape features such as buildings, boundaries or fields.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a..the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Evidential Value

Cefn y Castell is a designated Scheduled Ancient Monument

Ivy House was listed on 4th October 1989, and is referred to as an early to mid C18th house.

Historical Value

The place name Middleton appears as early as 1322 with the meaning middle settlement. (source CPAT Montgomeryshire Historic Settlements).

Ivy House is the oldest surviving property in the settlement which has a high percentage of modern dwellings including the land to the rear of Ivy House which appears to once been in the farmstead of Ivy House. It is noted that the stone wall continues past the current curtilage to plot at the rear (Chestnut Drive) As such Ivy House is a rare example of a farmstead in a village location.

Aesthetic Value

The site is currently open farmland to the NE of the village of Middletown which has a number of farms adjacent to the A458. The land slopes northwards towards Middletown Hill topped by Cefn y Castell and is an attractive entrance to the village, and given its proximity to the Shropshire border an attractive entrance into Powys.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The heritage assets have been identified and referred to in the Heritage Impact Assessment submitted with the application. Whilst submitted prior to TAN24 and its annexes, it is considered that the Heritage Impact Assessment addresses the requirement within Paragraph 1.26 of TAN 24 and paragraph 2.2 of the annexe to TAN24 on Managing the setting of Historic Assets.

“The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features.”

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

- How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:

- what were its physical, functional and visual relationships with other structures/ historic assets and natural features?
 - what topographic or earlier features influenced its location?
 - what was its relationship to the surrounding landscape/streetscape?
 - was it constructed to take advantage of significant views or to be a part of a significant view? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:

- has its function or use changed?
- what changes have happened to the surrounding landscape/streetscape?
- have changes happened because of changes to the historic asset or to its historical setting?
- has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
- has the presence of the historic asset influenced the character of the surrounding landscape/streetscape?
- have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:

- were these relationships designed or accidental?
- how did these relationships change over time?
- how do these relationships appear in the current landscape; are they visual or buried features?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views to, from and across the historic asset that were designed and developed when the historic asset was first created — for example, in the case of a defensive or ritual structure
- views to, from and across the historic asset which are linked with a time in its history for example, a historic artistic depiction of the site
- important modern views to, from and across the historic asset – for example, popular visitor viewing points.

The site is agricultural land at the approach to the village and affords views of Middletown Hill above with the Scheduled Ancient Monument atop. Middletown Church (All Saints) is readily visible from the A548, Ivy House the listed building Cadw ID 8688 is also visible albeit to a lesser degree as there are a number of trees within the grounds of Ivy House.

The Heritage Impact Assessment addresses the impact of the setting on the Historic Assets.

Cefn y Castell is a Scheduled Ancient Monument and as such the setting of the monument is addressed by Cadw. However I would not disagree with the findings presented in the Heritage Impact Assessment in respect of this historic asset.

Ivy House is a listed building and it is for the Local Authority to assess the impact of a development on the setting of a listed building. It is noted from previous applications that the land to which the application relates has no historical relationship with Ivy House being farmland associated with Fron Farm, nevertheless being the first house actually within the settlement of Middletown the relationship between the site and the listed building should be assessed.

Ivy House is a gentleman's residence constructed with a garden between the house and the A458, with the associated Coachhouse to the rear. Whilst the application is made in outline with matters reserved, it is noted that the houses adjacent to the A458 are set back from, this serves as a barrier between the houses and the road and also to permit a car park for the church which is also part of this application. Whilst made in outline it is acknowledged that the access to the car park will require the proposed dwellings to be set back. In addition to the access road to the car park there is an area of public open space provided with the development that includes a pond and the siting of this area of public open space adjacent to the church again moves the development away from the boundary closet to the Ivy House.

Ivy House is significant in that it is the only listed building in Middletown and is believed to be the oldest surviving property in the settlement which has a high percentage of modern dwellings including the land to the rear of Ivy House which appears to once been in the farmstead of Ivy House.

Noting the indicative plans submitted with the application including the location of the car park for the church and the public open space and the resulting layout of the dwellings proposed, I would not disagree with the findings presented in the Heritage Impact Assessment in respect of this historic asset.

Middletown Church is included on the Historic Environment Record however is not statutory designated. Recent Guidance Historic Records in Wales issued by Cadw ISBN 978 1 4734 8710 9 on 21 April comes into effect on 31 May 2017 and from that date, this authority must have regard for the guidance in the discharge of its functions. The guidance advises in Paragraph 4.3 that the historic environment records are key sources of information that should be used to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts.

Middletown Church (All Saints) has been addressed in the Heritage Impact Assessment. Whilst acknowledging that the development would result in some change to the setting of the church the assessment concludes that the development would have a negligible impact on its character or significance. The analysis of the siting of the church in the Heritage Impact Assessment as being an accident through land availability rather than any architectural or landscape aspirations of its builders not being an important factor in its significance is not disagreed with. Neither is the statement that the development would have a negligible impact on its character or significance. However the recent guidance on Historic Environment Records that came into effect on 31 May after the Heritage Impact Assessment was prepared

and submitted requires Local Planning Authorities to also have regard to the setting of Assets on the Historic Environment Record. The proposal will have an impact on the setting of this undesignated Historic Asset.

However step 4 of the guidance on the setting of Historic Assets requires Local Planning Authorities to consider any mitigation measures. In this regard the provision of the car park and the set back of the development to facilitate the access to the car park is acknowledged as is the location of the public open space adjacent to the car park.

The church at present is viewed at speed from the A458 and whilst there is car parking provision in Middletown, users of the church have to cross or walk along the A458 to access the church and the churchyard which contains a number of gravestones. The provision of a car park would enable access to the church to be easier. The advice on setting of historic assets advises that other less tangible elements such as sensory perceptions to be considered. The guidance addresses that the setting of a historic asset is not fixed and may change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset such as the loss of the surrounding elements that allow an asset to be understood or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting.

In this instance the indicative plan suggests that care has been taken in the setting of the designated Ivy House and Middletown Church. The distance between Middletown Church and the development and the location of the public open space have limited the impact of the proposal on its setting and provided a car park which can only be beneficial to the church by sustaining its use.

I would not disagree with the findings presented in the Heritage Impact Assessment in respect of this historic asset in that any negative impact on the setting of the church is compensated by the positive benefits to the church that this development affords.

The indicative layout suggest a standard layout which whilst not indicative of rural settlements and small villages in Powys, the degree of modern housing and their layout in Middletown is duly noted. However the site is at an important gateway to Powys and I would suggest that every care is taken in the design of the properties to reflect local distinctiveness and the local vernacular and in the choice of materials.

Taking into consideration national legislation, national guidance and policy some introduced after the application was submitted, Unitary Development Plan policies and the evidence contained in the application both in the submitted documents and the indicative layout, I would **not object** to the proposal on built heritage grounds, subject to consideration of appropriate design and materials at reserved matters stage.

PCC Minerals

No response received.

Councillor Representations

County Councillor Dawn Bailey (Councillor at the time of submission of the application):

Please note as Local Member I wish to call in this application for determination by the council's Planning Committee on the following planning grounds:

1. Proposed site is outside of the local settlement boundary and therefore does not align with planning policy.
2. Sufficient allocation for future growth within Middletown has been identified in the Powys Unitary Development Plan (UDP) and the emerging Powys Local Development Plan (LDP). This therefore gives rise to concern over the possible cumulative impact of over development within a community that has limited facilities.
3. Impact on local heritage assets including a Grade II Listed dwelling house, on neighbouring All Saints Church and the scheduled ancient hillside monument known as Cefn Y Castell.
4. Ecology and environment impact.
5. Surface water treatment and sustainable drainage system conditions to be satisfied.
6. Highway access onto A458 trunk road concerns particularly as the proposal includes car park facilities for neighbouring All Saints Church in addition to residential use.
7. Rights of Way issues.

I trust this request for committee determination will be considered.

Public Representations

Following display of a site notice and publicity in the local press, no public representations have been received.

Planning History

AGRI/2013/0040 - Demolition of an existing agricultural building and erection of a replacement general purpose agricultural building. Planning permission not needed 07/06/2013

P/2013/0224 - Erection of an extension to the side of existing dwelling, formation of vehicular access and associated works (resubmission). Conditional consent 23/04/2013

P/2012/0905 - Erection of an extension to the side of existing dwelling, formation of a new vehicular access and associated works. Application withdrawn

Principal Planning Constraints

- Public Right of Way travels through application site;
- Outside of settlement development boundary;
- A458 trunk road;
- Grade II listed building (Ivy House) located approximately 80 metres to the west of the application site;
- MG007 Cefn y Castell Scheduled Ancient Monument (SAM) located approximately 515 metres to the north east of the application site;
- Moel y Golfa SSSI located approximately 560 metres to the east of the application site;

- Trewern Brook SSSI located approximately 430 metres to the south and south east of the application site;
- Mineral Buffer Zone located approximately 180 metres to the north west of the application site.
- Historic Environment Record excluding other designations:
 - PRN 7725 Middletown Church (All Saints)
 - PRN16362 Middletown Church (All Saints) Yard
 - PRN 15738 Middletown
 - PRN 37013 Middletown earthworks II

Principal Planning Policies

National Planning Policy and Other Guidance

Planning Policy Wales (Edition 9, November 2016)

TAN 1: Joint Housing Land Availability Studies (2015)
 TAN 2: Planning and Affordable Housing (2006)
 TAN 5: Nature Conservation and Planning (2009)
 TAN 6: Planning for Sustainable Rural Communities (2010)
 TAN 12: Design (2016)
 TAN 15: Development and Flood Risk (2004)
 TAN 16: Sport, Recreation and Open Space (2009)
 TAN 18: Transport (2007)
 TAN 20: Planning and the Welsh Language (2013)
 TAN 24: The Historic Environment (2017)

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system (2017)

Fields in Trust Guidance for Outdoor Sport and Play – Beyond the 6 Acre Standard Wales (January 2017)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability
 UDP SP2 - Strategic Settlement Hierarchy
 UDP SP3 – Natural, Historic and Built Heritage
 UDP SP5 - Housing Developments
 UDP SP6 – Development and Transport

UDP SP9 – Local Community Services and Facilities

UDP GP1 – Development Control
UDP GP2 – Planning Obligations
UDP GP3 – Design and Energy Conservation
UDP GP4 – Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP ENV1 – Agricultural Land
UDP ENV2 – Safeguarding the Landscape
UDP ENV3 – Safeguarding Biodiversity and Natural Habitats
UDP ENV4 – Internationally Important Sites
UDP ENV5 – Nationally Important Sites
UDP ENV7 – Protected Species
UDP ENV14 – Listed Buildings
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP ENV18 – Development Proposals Affecting Archaeological Sites
UDP CS3 – Additional Demand for Community Facilities
UDP HP3 – Housing Land Availability
UDP HP4 – Settlement Development Boundaries and Capacities
UDP HP5 – Residential Developments
UDP HP6 – Dwellings in the Open Countryside
UDP HP7 – Affordable Housing within Settlements
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP9 – Affordable Housing in Rural Settlements
UDP HP10 – Affordability Criteria
UDP RL2 – Provision of Outdoor Playing and Recreation Space
UDP RL6 - Rights of Way and Access to the Countryside
UDP TR2 – Tourist Attractions and Development Areas
UDP T2 - Traffic Management
UDP DC3 – External Lighting
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage
UDP DC17 – Cordon Sanitaires
UDP MW22 – Buffer Zones

Powys Residential Design Guide (2004)

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved
September 2010 Updated July 2011

Powys Joint Housing Land Availability Study (2016)

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

Members will be aware that the examination of the LDP is currently in progress and at this current time the UDP is current adopted plan used for determining planning applications. For information purposes only, the entire field to which the application site forms part of was submitted as a candidate site for residential development as part of the LDP process (candidate site number 609). The Site Status report includes comments from the Planning Policy Section as follows:

‘Sloping hillside land at village edge. Prominent in views due to setting. This agricultural land, currently dairy grazing, surrounds the existing church and walled churchyard. Site is adj to the current UDP development boundary for Middletown. After further analysis and considering stakeholder constraints, it is considered that a more appropriate site allocation has been identified elsewhere to meet the housing requirement of the settlement over the Plan period. This large site is therefore not required for land allocation even if the access constraints can be overcome’.

Principle of development

As referred to within the Councillor representations, the proposed development lies wholly outside the development boundary of Middletown as detailed on UDP inset map M175 and would result in 25 dwellings being constructed outside the settlement boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and states that *‘outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9’*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that *‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.’*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to

have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Middletown is classified as a large village within the Powys Unitary Development Plan and four sites were allocated within the UDP for residential development (site M175 HA1 – Golfa Close extending to 0.81Ha, M175 HA2 – Land adjacent to the Caravan Park extending to 0.46HA, M175 HA3 – Land adjacent to the Methodist Chapel extending to 0.48Ha and M175 HA4 – Part OS0036 & 0041, west of Golfa Close extending to 0.74Ha). Three of the sites have been developed with M175 HA4 remaining undeveloped although application reference P/2017/0333 (Land adj Golfa Close) for erection of up to 9 dwellings relates to part of this allocated site and is pending determination. In addition, an application for erection of up to 9 dwellings (P/2017/0548 - Land adjoining Penyfoel Farm) is also pending determination as is an application for up to 5 dwellings at Land adjacent to Middletown (P/2017/0464) and an application for up to 4 dwellings at Land opposite South Bank (P/2017/0551).

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

The previous County Councillor for the area raised concern over the possible cumulative impact of over development within a community that has limited facilities. Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 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). Therefore, when providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

As noted above, Middletown is identified as a large village within the UDP and it is noted that the settlement is served by a range of community services and facilities including village hall, church and public house. It is also noted that the village is served by a bus route and is located approximately 14 miles from Shrewsbury and 6 miles from Welshpool. The site itself is already served by a pedestrian footway to the community facilities, although pedestrians would need to cross the A458 trunk road to access the facilities.

Whilst Middletown is classified as a large village within the UDP currently and UDP Policy HP4 indicates that the capacity of such large villages is generally sites up to 10 dwellings, it is noted that an allocated site within the LDP is proposed which could accommodate 19 dwellings. In addition, the services and facilities in Middletown and the good transport links to the surrounding larger centres such as Welshpool and Shrewsbury are such that it is considered that the settlement has the capacity to accommodate the proposed 25 dwellings. As identified above, it is noted that there are other applications for residential development in Middletown which are pending determination and careful consideration will need to be given at the time of their determination as to whether the overall capacity in terms of sustainability of Middletown would be exceeded as a result of the cumulative residential development.

Overall, taking all the above factors into account, on balance, it is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location and would be in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Affordable housing

In respect of affordable housing provision, Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

The Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) states that the Council's starting point for affordable housing provision on schemes of more than 5 dwellings should be 30-35%. However, the Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys (Severn Valley). It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic "guideline" figure contained within the UDP and on that basis, the 20% (5 units) provision figure suggested is considered to be reasonable in this instance.

The outline submission indicates a mixture in the scale of dwellings, however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. Nevertheless, it is considered that there is scope to provide dwellings to match the need in the area and whilst the proposed provision of 5 dwellings would equate to a lower proportion of affordable housing than that identified within the UDP, Development Management has taken account of the latest evidence on affordable housing as provided by the LDP evidence. Therefore, on this basis, it is considered that the provision of 5 units as affordable housing is acceptable and it is recommended that a condition should be attached to require the submission of a scheme for the provision of affordable housing including the phasing of the scheme.

Design and impact upon character and appearance of the area

Guidance contained within UDP Policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst some matters (appearance, landscaping, layout and scale) are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The proposed development would be an eastward extension of the current built form of Middletown, outside the existing settlement boundary into open fields. The land forms parts of a larger field and the field slopes northwards towards Middletown Hill and therefore the site is prominent in views and is sensitive to visual change, as with many edge of settlement sites. The site would be highly visible from the A458 trunk road and the public right of way which travels along the north eastern boundary of the site and would also be visible from other public rights of way, highways and residential properties in the wider area. It is also noted that the existing residential development Middletown on the northern side of the trunk road rises from the trunk road in a comparable manner to that proposed.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing modern development seen in the settlement. More importantly it shows that up to 25 dwellings could be accommodated on the site. Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement.

The properties in the locality consist of a mixture of one and two storey detached properties, predominantly of brick and render which are predominantly modern dwellings. The proposed scale of two storeys is not considered to be out of character with the locality. Overall a mix of two/three and four/five bedroom properties over two storeys are detailed within the scheme and this is considered to be appropriate.

Whilst the site would be visible from public vantage points including the public highway, neighbouring residential properties and public rights of way in the wider area and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location which is reasonably related to the built form of the settlement and that landscaping measures would reduce the visual impact, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Impact upon amenities enjoyed by the occupants of neighbouring properties

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The north western corner of the application site is located approximately 38 metres from the rear gardens of the properties on Chestnut Drive. Given the distance involved which meets the guidelines set out within the Residential Design Guide, the proposal would not

unacceptably affect the amenities enjoyed by the occupants of the properties on Chestnut Drive and vice versa in accordance with UDP Policy GP1.

In terms of construction noise, the Council's Environmental Health department has advised that as a large development in close proximity to existing residential properties, conditions to require the submission, approval and implementation of measures for controlling noise, vibration and dust during construction and the restriction of audible operations and deliveries etc to permitted hours. Taking into account this advice, the scale of the development and the potential for the impact upon the amenity of nearby residential properties, it is considered that the recommended conditions are reasonable.

An agricultural building permitted under reference AGRI/2013/0040 is located to the east of the application site and to the south east of plots 23 and 24 as identified on the indicative layout. The building replaced previous agricultural buildings to the rear of the dwelling known as The Fron. The notification submission in 2013 indicated that the building was required in connection with a holding extending to 7.48ha and would be used for the storage of farm equipment as well as housing straw and hay feed. In addition, it was stated that the building would be used to house pigs reared on the holding as well as sheep during bad weather and potentially cattle grazing the land.

The building is located approximately 7m from the attached garage of plot 23 and 21m from the side/rear elevation of plot 24 as shown on the indicative layout. Neither of these dwellings are indicated to directly overlook the building, however the proximity to the agricultural building closest to the appeal site would potentially give rise to odour, noise and disturbance to future occupiers of the proposed dwellings. The domestic use of the dwelling houses and the garden areas, would have the potential to be disturbed by increased potential for odours emanating from the building. There would also be disturbance from activity within the building by movement associated with the farming activity and therefore, there is the potential for conflicts arising from noise and odour between the two uses. However, it is also noted that the current site and associated building appears to be a very low-key farming enterprise on a small holding, part of which is subject to the application before Members, thereby reducing the holding size even further. In addition, given that the layout is indicative, amendments could be proposed to mitigate any impacts further. Overall, in terms of the impact from the agricultural building, given the limited agricultural activity noted on site, together with the small size of the original holding and the possibility of design changes, it is not considered that the apparent limited use of the agricultural building would be harmful to the living conditions of proposed occupiers of the proposed dwellings with regard to noise, odour, loss of privacy and disturbance in accordance with UDP Policies GP1 and DC17.

Impact upon heritage assets

Setting of Scheduled Ancient Monument

As referred to within the Councillor representations the application site is located approximately 515m south of, and is overlooked by scheduled monument (MG0070) Cefn y Castell. This monument is located on the summit of Middletown Hill and comprises the remains of a hillfort, which Cadw advises probably dates to the Iron Age period c.800BC – AD74.

There is a policy presumption in favour of preserving the setting of scheduled ancient monuments. Planning Policy Wales explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. UDP Policy ENV17 states that development which would unacceptably affect the site or setting of a scheduled ancient monument will not be permitted.

Cadw has advised that the proposed development would be clearly visible from the scheduled monument and would have an impact on the setting of the scheduled monument. The application is accompanied by a heritage impact assessment which assesses the impact of the proposed development on the setting of the scheduled monument which concludes that there will be an adverse impact on the setting of the scheduled monument but that this will not be significant. Cadw also conclude that the adverse impact of the development on the setting of scheduled monument (MG007) Cefn y Castell will be low. Therefore Cadw has no objections to the proposal.

Whilst there will be some impact upon the setting of the identified scheduled ancient monument, this impact must be weighed against all of the other material considerations.

Setting of listed building

As identified within the Councillor representations, the application site is located to the east of Ivy House which is a grade II listed building and adjacent to All Saints Church which is included in the Historic Environment Records.

In terms of listed buildings, the authority is required have special regard to the desirability of preserving the listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. UDP Policy ENV14 states that proposals unacceptably adversely affecting a listed building or its setting will be refused taking into account the desirability of preserving the listed building and its setting, the importance of the building, the effects of the proposal on any particular features and the contributions of the building to the local scene.

A Heritage Impact Assessment has been submitted with the application which addresses the impact on the setting of Ivy House which is the only listed building in Middletown. Otherwise, the settlement has a high proportion of modern properties including the modern dwellings situated on the land at the rear of Ivy House. The land to which the application relates has no historical relationship with Ivy House being farmland associated with Fron Farm, nevertheless being the first house within the settlement boundary of Middletown as travelling from the east, the relationship between the site and the listed building has been assessed by the Council's Built Heritage Officer with the details included within the Officer's response above. Whilst the car park has been removed from the indicative layout, the area of land to the west and south west of the application site is indicated to be public open space which retains the detachment from Ivy House referred to within the Built Heritage Officer's report.

Taking into account the contents of the submission, the Heritage Impact Assessment and the Built Heritage Officer's comments, it is concluded that the proposed development would not unacceptably adverse the setting of Ivy House in accordance with the recently updated/introduced national planning policy and guidance and UDP Policy ENV14.

Historic Environment Record (All Saints Church)

As identified within the Councillor representations, the application site is adjacent to All Saints Church which is included in the Historic Environment Record. Given that the church is included in the Record, planning policy suggests that consideration upon the impact upon the heritage asset and its setting is required.

The Heritage Impact Assessment concludes that the development would have a negligible impact on the character or significance of the church. The analysis of the siting of the church in the Heritage Impact Assessment as being an accident through land availability rather than any architectural or landscape aspirations of its builders not being an important factor in its significance is not disagreed with by the Built Heritage Officer. Neither is the statement that the development would have a negligible impact on its character or significance. However, the Built Heritage Officer has advised that the proposal will have an impact on the setting of the church. The church at present is viewed at speed when travelling along the A458 highway but is highly visible from the A458 highway because it is adjacent to agricultural land at present. Whilst the provision of a car park would have enabled access to the church to be easier and would have benefitted the church, taking into account that the proposal still includes an area of public open space between the church and the proposed dwellings, it is concluded that this distance would result in the proposed development having a limited impact upon the setting of the church.

Archaeology

There is a policy presumption for safeguarding archaeological remains, whether scheduled or not. CPAT has confirmed that there are no archaeological implications for the proposed development.

Highway access and parking requirements

It is proposed to upgrade the existing vehicular access onto the A458 highway. The County Councillor and Community Council raised concerns over this access particularly as the proposal included car park facilities for the Church in addition to the proposed residential use. As advised above, the proposal has been amended to remove the car parking facilities. This is because the Welsh Government Transport Section required additional information on the traffic movements associated with the site including the church car parking and how the church would be accessed from the car park. Following this request, the car park has been removed from the application and whilst the benefits of the car park in assisting visitors to the church are acknowledged, it is not considered that the development would cause undue strain upon the church that would reasonably warrant the provision of a car park. Therefore, it is not considered that it is reasonable to refuse the application on the basis that the car park has been removed from the application. However, at the time of writing the report, additional comments from the Welsh Government have not been received regarding the revised plan and as such these will be included as an update for Members prior to committee.

Otherwise, the Welsh Government Transport Section requested additional detail on the visibility splays, gradient, width and radii, surfacing and drainage in respect of the access onto the trunk road as well as traffic movements associated with the residential development. Amended plans and additional information has been received which addresses the request and the final response from the Welsh Government removes the objection subject to the use

of conditions. On the basis of this response, it is considered that the proposal would make adequate provision for highway access and safety off the A458 trunk road subject to the use of the recommended conditions.

In respect of the internal estate road, the Council's Highway Authority has suggested that a pedestrian footway is provided along the frontage of the site in a westerly direction (along the northern edge of the trunk road). Whilst there is a pedestrian footway along the southern side of the trunk road, to avoid the necessity to cross the trunk road to access the facilities offered in the settlement, it is agreed that such provision would be beneficial and reasonable. Otherwise, it is recommended that the conditions recommended by the Highway Authority are attached to any consent granted to ensure that the detailed layout reflects the requirements.

Foul drainage

It is proposed to connect to the public sewerage system which is the preferred method of disposal. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Severn Trent Water has advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

Flood risk and surface water drainage

The site is not located within B, C1 or C2 flood risk zones as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004) and as such the site is not known to be at risk from flooding.

The County Councillor raised concern over surface water treatment. UDP Policy DC13 requires development proposals to make adequate provision for land drainage and surface water disposal. In terms of surface water run-off, the submission indicates that surface water is to be disposed to soakaways. However, no surface water drainage details/drawing(s) or an indication as to how the impermeable areas within the proposed application site will be drained/disposed, have been submitted, apart from an indication that an attenuation pond will be used. Therefore, to ensure adequate surface water drainage is provided for and to ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates, it is considered reasonable and necessary to attach a condition to any consent granted to require the submission, approval and implementation of a surface water drainage scheme in accordance with UDP Policy DC13.

Ecology

County Councillor representations raised concern over ecology and environment impact. The Council's Ecologist and NRW have been consulted on the proposal with the following comments having been received in respect of protected sites, species and biosecurity.

Protected sites

A watercourse passes immediately adjacent to the north west corner of the proposal. NRW has advised that this water course feeds into the Trewern Brook which is designated as a Site of Special Scientific Interest (SSSI) for its geological features. In order to prevent pollution to this SSSI, NRW has recommended that the submission, approval and implementation of a pollution prevention plan is conditioned to prevent pollution from entering the watercourse and affecting the SSSI. On the basis of this advice, to ensure that there is satisfactory provision for protecting the nationally important site in accordance with Planning Policy Wales, TAN5 and UDP Policy ENV5, it is recommended that such a condition is attached to any consent granted.

Protected species

The application is not accompanied by an ecological report. However, NRW has advised that based on the records that NRW has available for the area and the habitat present on site, they conclude that there will be no detrimental effect on any European Protected Species (EPS) that may be present on site provided an appropriate Construction Environmental Management Plan (CEMP) is submitted, approved and implemented. It is recommended that such a condition is attached to safeguard protected species and provide appropriate mitigation measures in accordance with Planning Policy Wales, TAN5 and UDP Policy ENV7.

Biosecurity

NRW consider biosecurity (invasive non-native species (INNS) and diseases) to be a material consideration in respect of this proposal. NRW has advised that any consent includes the imposition of a condition requiring the submission, approval and implementation of a Biosecurity Risk Assessment. Taking into account NRW's advice and the contents of UDP Policy DC15, it is considered that such a condition would be appropriate.

Restricted byway

County Councillor representations raised concerns over rights of way issues. Powys Countryside Services and the Ramblers Association have also both raised concern that the submission has not taken into account the existence of restricted byway 5, Middletown, Trewern. The initial indicative layout showed that the restricted byway would be obstructed by plots 22 and 23. The revised indicative layout plan has altered the positioning of plots 22 and 23 resulting in the byway being accommodated without having to travel through the plots and being restricted. Therefore, it is accepted that a layout can be achieved that would not physically impact upon the byway.

In terms of the impact upon the environmental setting of the byway, UDP Policy TR2 states that the environmental setting of established tourist attractions (which includes public rights of way) shall not be unacceptably adversely affected by proposed development. The indicative layout demonstrates that the byway would travel past the rear gardens of two of the proposed dwellings. Users of this right of way would also have views of the whole development as the right of way travels along the higher part of field. In addition, there are also more distant public rights of way in the locality which enable access to Middletown Hill and to the south of the A458 trunk road from which the proposed development would be visible. The proposed development would introduce a visual change to the locality which users of the rights of way would be aware of in comparison to the existing appearance of agricultural use. However, given that the proposed development is considered to be acceptable in terms of its

relationship with the existing development in the settlement of Middletown and would be reasonably well related to the existing settlement, it is not considered that the environmental settings of the rights of ways would be unacceptably adversely affected, subject to appropriate landscape planting which would be considered further at the reserved matters stage.

Recreation provision

PPW requires local planning authorities to provide a framework for well-located sport, recreation and leisure facilities which should be sensitive to the needs of users, attractive, well designed, well maintained, safe and accessible to all. This requirement is further detailed in Technical Advice Note 16. UDP Policy RL2 states that housing development proposals shall include provision for safe and accessible outdoor playing and recreation areas. In respect of recreation provision, the indicative layout provides for recreation by the inclusion of public open space in the western and south western parts of the application site. The Outdoor and Recreation department of the Council have advised that there is no Council play area with fixed play equipment near to the proposed development. It is noted that there is a play area with fixed play equipment (a LEAP – Local Equipped Area for Play aimed at children who can go out to play independently) adjacent to the village hall, approximately 134 metres from the south western corner of the application site and approximately 363 metres from the north eastern part of the application site. This is within the Fields in Trust walking distance guideline (400m) for LEAPs, however taking into account the location of the play area across the trunk road, concern is expressed that this equipped play area would not be safe and accessible for children even where the children are of an age where they could go out and play independently. However, the Outdoor Recreation Department has not raised concern over this aspect.

The Fields in Trust guidance also recommends that for 10-200 dwellings, a Local Area for Play (a LAP) (equipped for very young children) and a Locally Equipped Area for Play (a LEAP) should be provided approximately 400 square metres in size and with a 20m minimum separation between the activity zone and the habitable room façade of dwellings. The Fields in Trust guidance is over and above the 6 acres standard referred to by the Outdoor Recreation department but draws out new recommendations for accessibility, for flexible application of standards and the minimum dimensions of formal outdoor space. Given that the existing LEAP play area is not particularly accessible for occupiers of the proposed dwellings being across the trunk road and that the public open space indicated is in excess of 400 square metres, in accordance with the 6 acre standard and the Fields in Trust Guidance, it is considered that it would be reasonable and practicable to require an equipped area of play to be provided on the application site to serve the development. The provision and long term maintenance of this would be secured via a section 106 agreement (planning obligation).

Impact upon education facilities

UDP Policy CS3 states that where the scale of a new development proposal is such that it would create the need for new or upgraded community facilities which includes education facilities, a planning condition or planning obligation will be necessary to ensure the provision of or contribution towards the necessary facilities. The nearest Powys primary school to the development is in Trewern. Unfortunately, at the time of writing the report, the Council's Education department had not responded to the consultation and therefore the capacity of

Buttington Trewern County Primary school is not known. A response from the Education department has been requested prior to the Committee meeting.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Mineral Buffer Zone

The application site is located approximately 180 metres to the south east of the Mineral Buffer Zone associated with Middletown Quarry (igneous/metamorphic mineral). The operational status of this quarry is listed as active within the UDP with the estimated completion dated listed as 2042 for the main site with the extension's completion date listed as 2061.

UDP Policy MW22 states that within buffer zones, proposals that are likely to be incompatible with the mineral working operation will form the subject of rigorous examination and proposals that would be unacceptably adversely affected or prejudice the mineral working operations will be refused.

Residential development is a proposal that may be incompatible with mineral working operations due to amenity issues. However, in consideration that the application site is outside of the buffer zone of the quarry, and that there are other residential properties closer to the buffer zone, it is considered that the proposal would not be unacceptably adversely affected by the listed quarry or would not prejudice the mineral workings in accordance with UDP Policy MW22.

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP Policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Middletown has not been identified as one of these settlements it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Trewern ward reported that 14.7% of the population were able to speak Welsh. This is an increase from the 2001 census which stated that 10.7% of the population of the Trewern ward were able to speak Welsh. In terms of housing provision, one way in which the developer can demonstrate that the language has been taken into account is by ensuring that there is provision of affordable homes. This approach does not seek to restrict occupancy on grounds of linguistic criteria but recognises that those meeting the affordable housing eligibility criteria are more likely to be able to support the Welsh language and culture. Given that the development would provide 20% of the dwellings as affordable

dwellings (a total of 5 dwellings) which is considered an appropriate level of affordable homes at this location and that a phasing scheme could be included within the affordable housing condition to ensure that the affordable dwellings are not the last dwellings to be constructed or never get constructed, it is considered that the development would not result in a detrimental impact upon the cultural or linguistic vitality of the settlement of Middletown, the Trewern ward or Powys.

Other legislation

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.

RECOMMENDATION

Whilst there would be an impact upon the setting of a Scheduled Ancient Monument and a historic asset (All Saints church) recorded within the Historic Environment Records and the proposed development is a departure from the development plan, it is considered that the Council's current lack of housing supply weighs in favour of approving the proposed development in a sustainable location. Therefore subject to the receipt of final responses from Welsh Government Transport and the Education Department, it is recommended that the application is approved subject to the conditions set out below and subject to the applicant entering into a section 106 agreement to secure the following:

- A management agreement for on-site open space/play area (to secure provision, retention and maintenance); and
- Education contribution (if necessary following Education Department's response).

Conditions:

1. Details of the layout, appearance, landscaping 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 in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings and retained in perpetuity.
6. 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:
 - the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
 - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - 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)];
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - 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.
7. Prior to commencement of works, a Pollution Prevention Plan (PPP) for the construction phase must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved Pollution Prevention Plan.
8. No development shall take place (including ground works, site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and

approved in writing by the Local Planning Authority. The CEMP must include, but not be exclusive of:

- Appropriate Reasonable Avoidance Measures (RAM) to avoid injuring otters, badgers and other protected species;
- Methodology for hedgerow relocation;
- Attenuation pond design and species composition list if applicable;
- Biosecurity Risk Assessment;
- A wildlife sensitive exterior lighting plan designed to retain dark corridors along boundary hedgerows and trees;
- Persons responsible for implementing the works.

9. Prior to the commencement of development a report shall be submitted to and approved in writing by the Local Planning Authority detailing the provisions for the control of noise, vibration and dust for the construction-phase of the development. The development shall be carried out in accordance with the approved report.
10. 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.
11. Upon the submission of the reserved matters referred to in Conditions 1 and 2, a scheme for the provision of a footway along the northern side of the A458 trunk road in a westerly direction from the vehicular access shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwellings hereby approved the approved footway shall be fully completed.
12. Within 28 days from 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 0.45 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.
13. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom (maximum of 3) excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
14. 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.
15. Any internal side-road junctions shall have a corner radii of 6 metres.
16. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
17. No dwelling 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.

18. 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.
19. 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.
20. 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 Sundays and Bank Holidays

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

21. The affordable dwellings 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.
22. The access shall be laid out and constructed strictly in accordance with the approved drawing number SA24619/02 Rev B
23. The minimum visibility distances available for vehicles emerging from the proposed access shall be 160m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 4.5 metres from the 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.
24. The width of the proposed means of access shall be 7.3m (minimum) for the first 15m. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway.
25. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

26. During the construction phase 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 and be used by all vehicles exiting the site until construction is complete.
27. 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.
28. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: streetwork@nmwtra.org.uk prior to the commencement of works that will affect the through traffic on the A458 Trunk Road, and agree a Traffic Management Plan.

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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010) and Technical Advice Note 15 – Development and Flood Risk (2004).
6. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
7. To ensure that the development does not adversely affect the Trewern Brook SSSI in accordance with Planning Policy Wales (2016), Technical Advice Note 5: Nature Conservation and Planning (2009) and Policies SP3 and ENV5 of the Powys Unitary Development Plan (2010).
8. To ensure that the proposed development has no detrimental effect on any European Protected Species (EPS) in accordance with Planning Policy Wales (2016), Technical Advice Note 5: Nature Conservation and Planning (2009) and Policies SP3 and ENV7 of the Powys Unitary Development Plan (2010).
9. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).
10. To maintain the safety and free flow of trunk road traffic in accordance with Policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
11. to 19. To ensure that adequate provision is made for highway safety in accordance with Policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
20. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).
21. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys

Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016). 22 to 28. To maintain the safety and free flow of trunk road traffic in accordance with Policies GP1 and GP4 of the Powys Unitary Development Plan (2010).

Informative Notes

Restricted Byway:

Restricted Byway 5, Middletown, Trewern passes very close to the development. The applicant/developer is reminded it is an offence to interfere with the surface of a public right of way and should be minded when undertaking works to not obstruct the byway.

Please note the advice from Natural Resources Wales (NRW):

We advise that any proposed scheme should ensure that surface water run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Groundwater Protection: Principles and Practice (2013) Position Statement G13 (Sustainable drainage systems) applies to this development. We support the use of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for run-off from hard surfaces such as roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

Further information is available in the following guidance:

- Welsh Government (2015) Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems
- CIRIA (2015) SuDS manual (C753)

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance with PPG5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the netregs website:

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be either registered with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010 if the activity meets the exemption criteria or undertaken under an Environmental Permit. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit or environmental permit for any material imported to the site.

Please note the comments from Welsh Government Transport:

a) The applicant should be advised that they will 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 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;

c) 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.

d) 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

Case Officer: Kate Bowen- Planning Officer
Tel: 01938 551268 E-mail:kate.bowen@powys.gov.uk

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

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

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0200

Grid Ref: 310686.84 307007.83

Community Council: Llanfair Caereinion

Valid Date: 23/02/2017
Officer: Tamsin Law

Applicant: Mr JPR Andrew, Bronheulog, Manafon, Welshpool, Powys, SY21 8BW

Location: Land adj Llys Awel, Pool Road, Llanfair Caereinion, Welshpool, Powys, SY21 0SF

Proposal: Outline: Proposed residential development comprising of up to 42 no. dwellings, formation of estate road and all associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The site subject to this application is located adjacent to the Llanfair Caereinion development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside.

The site is located on an irregular shaped parcel of land bound to the north by agricultural land, to the east by the A458 trunk road, to the south by existing residential dwellings and the development boundary, and to the west by agricultural land. Opposite the site lies the Welshpool and Llanfair Light Railway and associated structures. A residential property outside the applicant's ownership lies within the center of the development site.

Consent is sought in outline for the construction of up to 42 dwellings, including a provision of affordable housing. The indicative block plan submitted with the application details a mix of dwelling types ranging from 2 to 5 bedroom semi-detached, detached and single and two-storey dwellings.

Consultee Response

Llanfair Caereinion Town Council

At the February meeting of Llanfair Town Council the members voted NOT to support the above application for the following reasons:

1. The direct access onto the A458 is of serious concern. This is a fast,narrow road with a history of serious and fatal accidents.
2. There are a number of unsold properties in Llanfair. Many have been on the market for a considerable amount of time. If there was a shortage of houses this would not be the case.
3. There is concern that the current infrastructure such as the sewage/ drainage system will not cope.
4. The primary and secondary school will also experience a large influx of numbers for which they are not prepared.
5. Thanks to the repeated lifting of 106 affordable housing restrictions there are no affordable properties in the town. This development will not address this issue.

PCC - Building Control

Building Regulations application required

Wales and West Utilities

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Let me know if you require any further assistance.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Environmental Health

As the proposed outline application states that foul drainage will be connected to the public sewer system, I have no objection to the application.

I would recommend that STW confirm that the current mains, pumping station and treatment plant is in satisfactory condition and of sufficient capacity to accommodate the additional waste water.

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 3.04 hectares and includes up to 42 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	Yes	An Extended Phase 1 Habitat Survey report by Arbor Vitae (dated September 2016) has been submitted with this application and referred to when making these observations. These observations are also based on an interpretation of available aerial and street imagery, the submitted planning design and access statement and historical biodiversity records provided by the Powys Biodiversity Information Service. The application site appears to be located within two semi-improved/improved agricultural fields and is bounded by native species hedgerows, including mature trees, with one hedgerow dividing the two fields.
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	There are single historic records (2013) of Common and Soprano Pipistrelle bats from within the site. The Arbor Vitae report states that the western boundary hedgerow is very likely to provide a foraging site and flight route for bats, as well as potential roost sites in the associated mature trees. The report states that no mature trees would be affected by the proposals but concludes that bats may use the edge of the tree canopy to forage, which could therefore be sensitive to any light spill from the new development. The report therefore recommends that artificial lighting into the surrounding habitats, including the adjacent tree line, is minimised and suggests that three bat roosting boxes are provided to mitigate

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

		<p>for any disturbance to bat foraging routes. Further details about sensitive lighting are contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report.</p> <p>No impacts to otter or great crested newt were identified by the Arbor Vitae report. However, reasonable avoidance mitigation measures to prevent otters becoming trapped or endangered during the construction phase are contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>The Arbor Vitae report states that no badger setts were observed within 50m of the site during the site survey (August 2016), nor signs of use of the site by badgers.</p> <p>Breeding bird species were observed within the site and are likely to use the peripheral hedgerows and mature trees for nesting. Although the hedgerows are to be retained as part of the development, nesting birds could be subject to disturbance during the construction phase. The report recommends that suitable bird nesting boxes are installed on trees surrounding the site in order to improve bird nesting habitat.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are listed as priority habitats on Section 7 of the Act. I understand that the boundary hedgerows are to be retained for this proposal and these must be protected during the works. A tree and hedgerow protection plan in accordance with BS5837:2012 will therefore need to be produced for the local authority’s approval in advance of the works.</p> <p>The Arbor Vitae report proposes enhancement measures through fencing of the western boundary hedgerow to protect it from grazing animals, new native hedgerow planting along the access track and planting of additional trees and shrubs within the site; these measures would be welcomed. Locally-occurring, native species will need to be used and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p> <p>There are single historic records (2013) of Polecat and Hedgehog, both Welsh Priority Species, from within the site. The hedgerow boundary habitats favoured by these species would not be affected by the proposals, but I have recommended that they are protected from any damage during the construction phase.</p>
	<p>LBAP Species & Habitat <input checked="" type="checkbox"/></p>	<p>See observations above.</p>

Protect ed Sites	International Sites ² <input type="checkbox"/>	None within the search area.
	National Sites ³ <input type="checkbox"/>	None within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area.
Invasiv e Non-Native Species	No	
Cumula tive Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		<p>The Arbor Vitae report (September 2016) recommends that artificial lighting into the surrounding habitats, including the adjacent tree line, is minimised and suggests that three bat roosting boxes are provided to mitigate for any disturbance to bat foraging routes. Further details about sensitive lighting are contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report, and confirmation of how this has been incorporated within a sensitive lighting scheme will be required for local authority approval prior to development of the site.</p> <p>Reasonable avoidance mitigation measures to prevent otters becoming trapped or endangered during the construction phase are also contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report and will need to be adhered to during the construction phase.</p> <p>Although the hedgerows are to be retained as part of the development, nesting birds could be subject to disturbance during the construction phase. The Arbor Vitae report recommends that suitable bird nesting boxes are installed on trees surrounding the site in order to improve bird nesting habitat. Details of these and the bat boxes will be required for local authority approval as part of a biodiversity enhancement plan prior to development of the site. A tree and hedgerow protection plan in accordance with BS5837:2012 will need to be produced for the local authority's approval in advance of the works.</p> <p>The Arbor Vitae report proposes enhancement measures through fencing of the western boundary hedgerow to protect it from grazing animals, new native hedgerow planting along the access track and planting of additional trees and shrubs within the site; these measures would be welcomed. Locally-occurring, native species will need to be used and a Species List will be required for approval by the local planning authority as part of a biodiversity</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>enhancement plan for the site.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations and mitigation regarding bats, breeding birds and otters in Section 6 and Appendix 2 of the ecological report by Arbor Vitae dated September 2016 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, 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 the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan, to include suitable bat and bird box and landscape enhancement details as recommended in the Arbor Vitae ecological report, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> 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 the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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.</p> <p><i>Prior to commencement of development, a Species List for the</i></p>

Landscape Planting 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 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 the Environment (Wales) Act 2016.

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.
- 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

	<p>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> <p>Otters – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).</p> <p>It is therefore an offence to:</p> <ul style="list-style-type: none"> • Deliberately capture, injure or kill an otter; • Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young; • Damage or destroy an otter holt; • Intentionally or recklessly disturb any otter whilst it is occupying a holt; or • Intentionally or recklessly obstruct access to a holt. <p>Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:</p> <ul style="list-style-type: none"> • No night working or lighting of the works area; • Ensuring that no barriers to movement of otters along the river are created; • Keep unnecessary noise to a minimum during the works; and • Do not light any fires close to areas of vegetation.
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>N/A</p>

NRW

Thank you for consulting Natural Resources Wales (letter dated 27/02/2017) regarding the above.

Our advice and position on the proposed scheme has not changed since providing comments to the major pre-application consultation in a letter dated 01/02/2017 (attached for your convenience).

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – Protected Species: Submission and implementation of a Construction Ecological Management Plan (CEMP) that will also include suitable Reasonable Avoidance Measures (RAM) for protected species.

Protected Species

NRW holds records of bats and otters in close proximity of the proposal, we also have several records of badger road casualties within 300m of the proposal, indicating this species is active in the area.

We note the Extended Phase One Habitat Survey dated September /2016 by Arbor Vitae, submitted in support of the above application has identified appropriate ecological mitigation and RAM (Appendix 2) for the species likely to be affected.

We recommend that RAM and other aspects of the proposal that will affect, enhance the ecology of the site are addressed in a Construction Ecological Management Plan (CEMP) as specified in our letter of 01/02/2017.

Condition 1 – Protected Species: Submission and implementation of a Construction Ecological Management Plan (CEMP) that will also include suitable Reasonable Avoidance Measures (RAM) for protected species.

Foul Drainage

We note from the Sustainable Drainage Strategy dated January 2017 by Waterco Consultants, that foul water will be a reserved matter issue and likely to go to mains sewer. Provided this is the case we have no further comment on drainage from the site.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Surface Water Drainage

The proposed site is in Zone A as defined by the Development Advice Map (DAM) referred to under TAN15: Development and Flood Risk (July 2004). Powys County Council drainage team is the Lead Local Flood Authority responsible for discussing appropriate surface water drainage details with the applicant and your authority.

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website www.naturalresourceswales.gov.uk for Waste disposal Guidance.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

PCC - Outdoor Leisure and Recreation

Outdoor Recreation Services would ask for a Section 106 contribution.

Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the local community council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Service's usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.

All private housing up to three bedrooms is £ 1000.00 per property.

All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

If you have any further questions please do not hesitate to contact me.

Welsh Government Transport

1st Response

I refer to your consultation of 2 June 2017 regarding the above application and advise that the Welsh Government as highway authority for the A458 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant

and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing incorporating the following aspects:-

a) Full Visibility Splays in both directions from a 4.5m set-back.

The proposed access must comply with Volume 6 Section 2 Part 6 (TD 41/95) of the Design Manual for Roads and Bridges (DMRB), any non compliance will each require a Departure from Standard submission.

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

2nd Response

I refer to your consultation on 24 July 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The access shall be laid out and constructed strictly in accordance with the approved drawings number RPP03.1.3.02 Rev A and RPP03.1.3.02
2. The minimum visibility distances available for vehicles emerging from the proposed access shall be 215m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 4.5 metres from the 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.
3. 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.
4. The width of the proposed means of access shall be 6.5metres (minimum) for the first 15m. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway.
5. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
6. During the construction phase 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 and be used by all vehicles exiting the site until construction is complete.
7. 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.
8. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: streetwork@nmwtra.org.uk prior to the commencement of works that will affect the through traffic of the A458, and agree a Traffic Management Plan.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

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

- a) The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Road 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 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.
- c) 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.
- d) 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

Cadw

Thank you for your email of 14 June 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument known as Site 300m SW of Tan-Illan (revealed by aerial photography). Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

A historic environment assessment including analysis of the impact of the proposed development on the setting of scheduled monument MG203 prepared by Trysor has been submitted. The report has assessed that the proposed development will have a low to moderate impact on the setting of scheduled monument MG203. This range will depend on the time of year and the screening effect of the existing hedgerows and trees surrounding the development area. We concur with this assessment that the proposed development will cause moderate damage to the setting of scheduled monument, Site 300m SW of Tan-Ilan (revealed by aerial photography) MG203, however, we consider that this will not be significant.

Public Response

The application was advertised through the erection of a site notice and press advertisement. Two representations have been received, one objecting to the proposed development and one clarifying the works undertaken at the Welshpool and Llanfair Light Railway Preservation Co. opposite the site.

The Welshpool and Llanfair Light Railway Preservation Co. comments are summarised below;

- The company runs an operational steam heritage railway and maintenance facility from its site opposite the proposed development.
- The railway brings a considerable amount of tourists to the area on its regular services and special events, with related vehicle and foot traffic, particularly on weekends.
- The railway does burn coal which produces permitted environmental emissions in the form of smokes and steam, and associated odours and noise from the locomotives.
- The maintenance facility employs both light and heavy engineering.
- A large programme of improvement works are proposed at the Llanfair station.

- The programme will involve a degree of construction work and traffic as well as an increased level of visitors and activity over the long term.
- It is noted that the development is outside the development boundary of Llanfair Caereinion.

The objection received is summarised below;

- Detrimental impact on the visual amenity of the area.
- The development will change the character of the village and will have an adverse effect on properties within the village and the Welsh Language/Heritage.
- Other developments within Llanfair Caereinion have yet to be completed.
- The primary school is at capacity with no further land for expansion.
- Services within the area are struggling to cope with numbers of residents ie. Doctors Surgery.
- Sewage system is at capacity
- Water problems are experienced, including low water pressure.
- Residents will be inconvenienced/disturbed during the construction.
- Development is ribbon development.
- Land is unsuitable terrain for a development and the proposal is too large in numbers
- Concern over traffic impacts
- No proven need for such a scale of development.

Planning History

No relevant planning history

Principal Planning Constraints

Scheduled Ancient Monument

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)

TAN 18 - Transport (2007)

TAN 20 - Planning and the Welsh Language (2013)

TAN 23 – Economic Development (2014)

TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy

UDP SP5 - Housing Developments

UDP GP1 - Development Control

UDP GP3 - Design and Energy Conservation

UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV 1 - Agricultural Land
UDP ENV 2 - Safeguarding the Landscape
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV 7 - Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

Powys Residential Design Guide

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon

current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llanfair Caereinion (defined as an Area Centre within the UDP). Llanfair Caereinion benefits from a number of services such as convenience stores, Doctor's surgery, butchers, public houses, leisure centre and primary and secondary school. Whilst a footpath is not proposed along the road the block plan demonstrates that a footpath will be created within the development site to the edge of the settlement allowing pedestrians to walk to the settlement safely. Llanfair Caereinion also benefits from public transport which provides access to other larger settlements such as Welshpool which is located approximately 8.5 miles to the east.

Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Appearance, Layout and Style

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 upwards to the west away from the adjacent trunk road. The block plan demonstrated that the majority of the development would be located on the flatter area of the site closest to the road. Part of the development would be on a slope, however Officers consider that through sensitive design and landscaping that the development would not have a detrimental impact on the surrounding landscape.

The indicative site layout details a cul-de-sac formation along with a linear form of development to the north, 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 forty-two dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The site is accessed from the A458 trunk road and as such consultation was undertaken with the Welsh Government Highways Department. Initial consultation raised concerns over the information submitted with the application. Following the submission of additional information Welsh Government Highways Department removed their holding objection provided that conditions are attached to any consent.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movement. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

Concerns have been expressed by the neighbouring dwelling that would be located within the centre of the site that the development would negatively impact on their property. Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters. The indicative layout demonstrates that this can be achieved through no dwellings being located immediately to the rear of the existing property (with the closest being a minimum of 25 metres from the rear elevation of the existing dwelling) and dwellings maintaining an acceptable distance to the side of the existing dwelling (the block plan demonstrates that a distance of approximately 13 metres from side elevations can be maintained).

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Heritage

Policy ENV17 of the UDP states that development which would unacceptably affect the site or setting of a scheduled ancient monument will not be permitted.

The application is located within 1km of a scheduled monument, Site 300m SW of Tan-Ilan MG203 and Cadw were consulted for their views on the impact of the development on the scheduled monument. Following the initial consultation Cadw raised concerns over the lack of information in relation to the impact of the proposed development on the scheduled monument. A Historic Environment Assessment was then produced in support of the application.

Following the submission of the Historic Environment Assessment Cadw stated summarised that the development would have a low to moderate impact on the setting of

the scheduled monument. Cadw concluded that whilst the proposed development could cause moderate damage to the setting of the scheduled monument they did not consider it to be significant.

Clwyd Powys Archaeological Trust were also consulted on the application and offered no objections to the proposed development.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy ENV17 of the Powys UDP in respect of residential amenity.

Biodiversity

The application was accompanied by an Extended Phase 1 Habitat Survey of the site. Following consultation with both Natural Resources Wales (NRW) and Powys Ecology no concerns were raised regarding the impact of the proposed development on protected species, biodiversity or protected sites.

Both Ecology and NRW have requested that a number of conditions be attached to any grant of consent securing the mitigation outlined within the Habitat Survey; landscaping scheme; lighting scheme and the submission of a Construction Ecological Management Plan.

In light of the above observations, Development Management considers the proposed development to be in accordance with the relevant policies of the Powys UDP in respect to biodiversity.

Sewerage

Policy DC10 (Mains Sewerage Treatment) requires that development are adequately served by the public foul sewerage system.

The application states that the proposed development would utilise the existing mains sewerage system. Concerns have been raised from a third party over the capacity of the sewerage system, however following consultation with Severn Trent no objections have been raised to the proposed development. Consultation was also undertaken with Environmental Health who offered no objection to the use of mains sewerage.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

Affordable Housing

Whilst UDP policy states that affordable housing provision should be 30-35%, latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in this area would be viable. In support of the application the developer has proposed 20% affordable housing which would be conditioned as part of any consent.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reserve this trend.

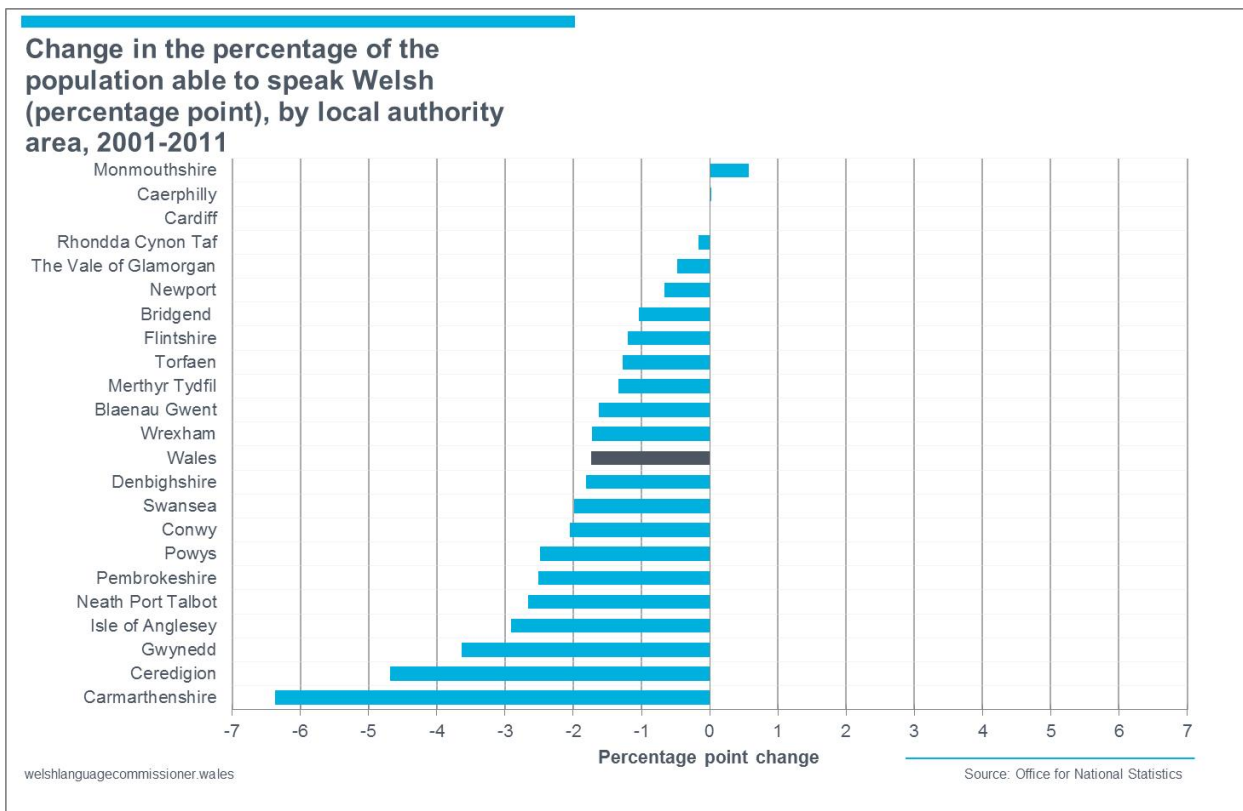
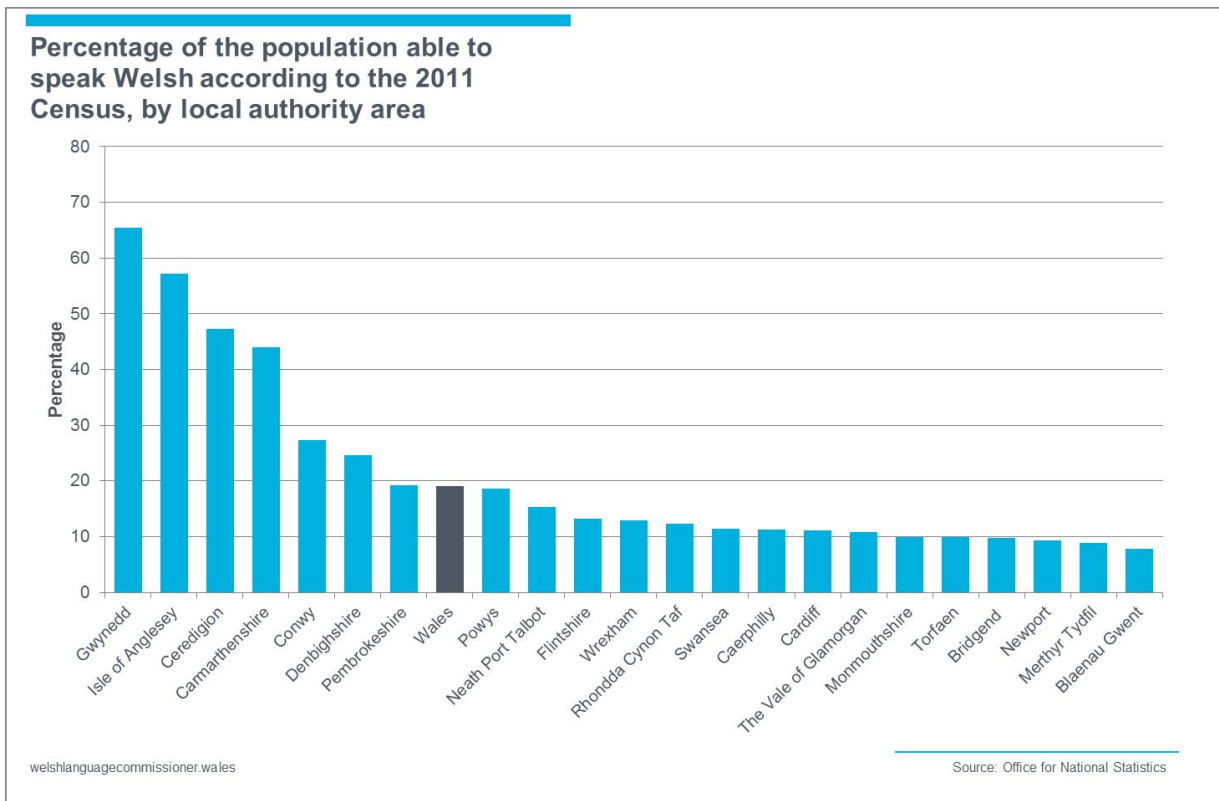
With regards to the Development Management function, TAN 20 states as follows:

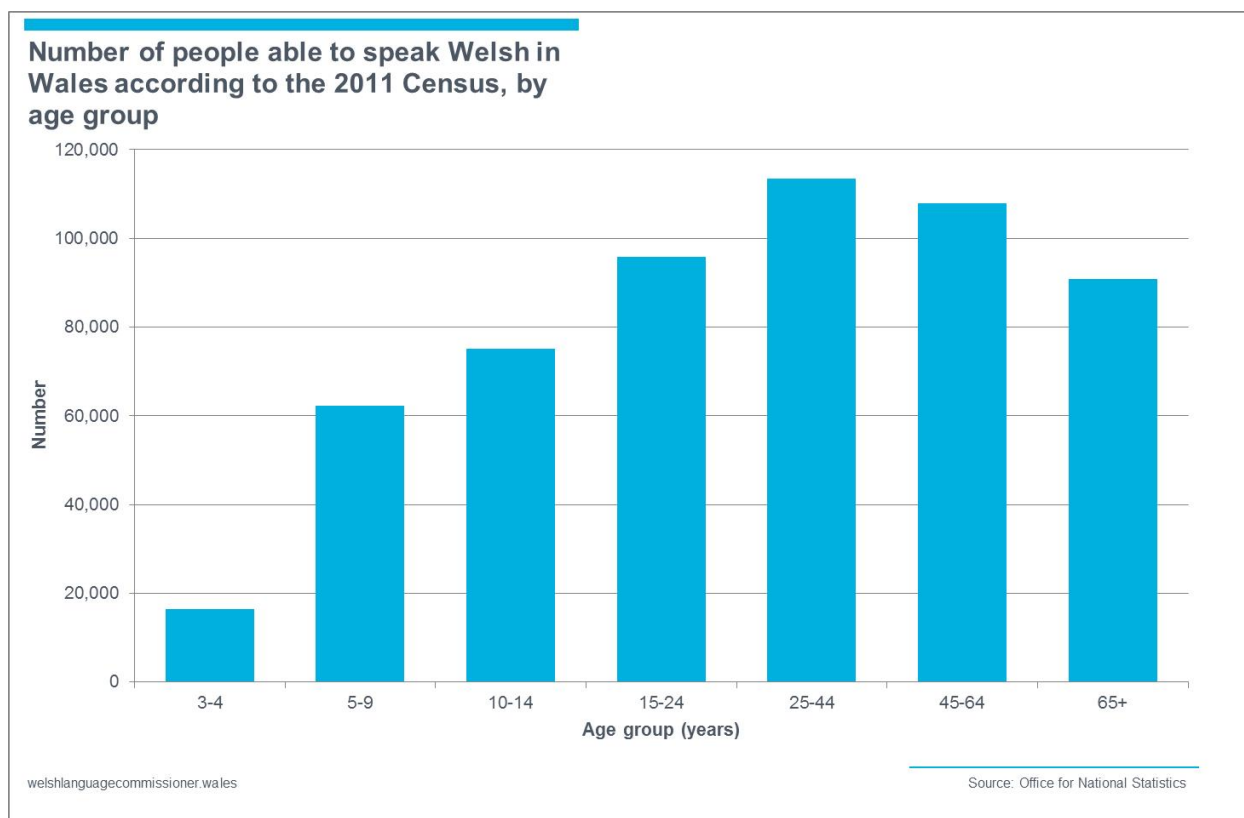
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanfair Caereinion has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;





2001 Census

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,563	122	79	24	499	55	784

2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
1,757	910	148	632	74	40	512	73

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	36	39	632	613
3-15	62.3	56.5	198	183
16-64	29.5	31.9	326	313

65+	32.2	43.8	108	117
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It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64 age category. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

“We accept that Llanfair is an identified settlement under Policy GP 5 and as such we have taken the importance of the Welsh Language and Culture into account through the provision of a housing mix, through the sustainable location and obviously through the provision of affordable homes.

The scheme brings forward an appropriate number of affordable units as suggested under Policy GP 5. The proposed scheme will provide a proportion of affordable housing. It is stipulated as a guideline within the adopted UDP to be between 30-35%. However, it is noted that the scale of affordable housing to be provided will be a matter of negotiation for each individual site.

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. The data produced detailed, that proposed development in North rural Powys would need to provide approximately 10% of affordable housing.

It is envisaged that the number of affordable dwellings within the scheme to be approximately 20 % which would be 8 units, starting with a footprint of approximately 60 sqm therefore ensuring affordability. The affordable dwellings will be integrated throughout the site.

Furthermore, 20 of the houses proposed on the development (50%) would be less than 130 square meters.”

It is considered that the introduction of forty-two dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade’s people. It is therefore considered that the construction of this development would

have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanfair Caereinion and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

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

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx (drawing no: P-01, P-02, RPP03.1.3.02 Rev A, RPP03.1.3.02, Pre-App Design and Access Statement (december 2016) and Sustainable Drainage Strategy (January 2017)).
5. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. The recommendations and mitigation regarding bats, breeding birds and otters in Section 6 and Appendix 2 of the ecological report by Arbor Vitae dated September 2016 shall be adhered to and implemented in full.
7. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority.
8. 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.

9. 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.

10. Prior to the commencement of development a Construction Ecological Management Plan (CEMP) that will also include suitable Reasonable Avoidance Measures (RAM) for protected species shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

11. The access shall be laid out and constructed strictly in accordance with the approved drawings number RPP03.1.3.02 Rev A and RPP03.1.3.02

12. The minimum visibility distances available for vehicles emerging from the proposed access shall be 215m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 4.5 metres from the 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.

13. 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.

14. The width of the proposed means of access shall be 6.5metres (minimum) for the first 15m. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway.

15. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

16. During the construction phase 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 and be used by all vehicles exiting the site until construction is complete.

17. 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.

18. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: streetwork@nmwtra.org.uk prior to the commencement of works that will affect the through traffic of the A458, and agree a Traffic Management Plan.

19. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been

submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

20. Prior to the commencement of development a phasing scheme for the provision of housing, affordable housing and the employment land shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

21. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. 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 the Environment (Wales) Act 2016.
7. 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 the Environment (Wales) Act 2016.

- 8. 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.
- 9. 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 the Environment (Wales) Act 2016.
- 10. To comply with Powys County Council’s UDP Policies SP3 and ENV3, ENV4 and ENV 5 in relation to The Natural Environment and protected species 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.
- 11. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.
- 12. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.
- 13. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.
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- 16. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.
- 17. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.
- 18. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.
- 19. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).
- 20. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).
- 21. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

Informative Notes

Signed:.....
Tamsin Law Principal Planning Officer

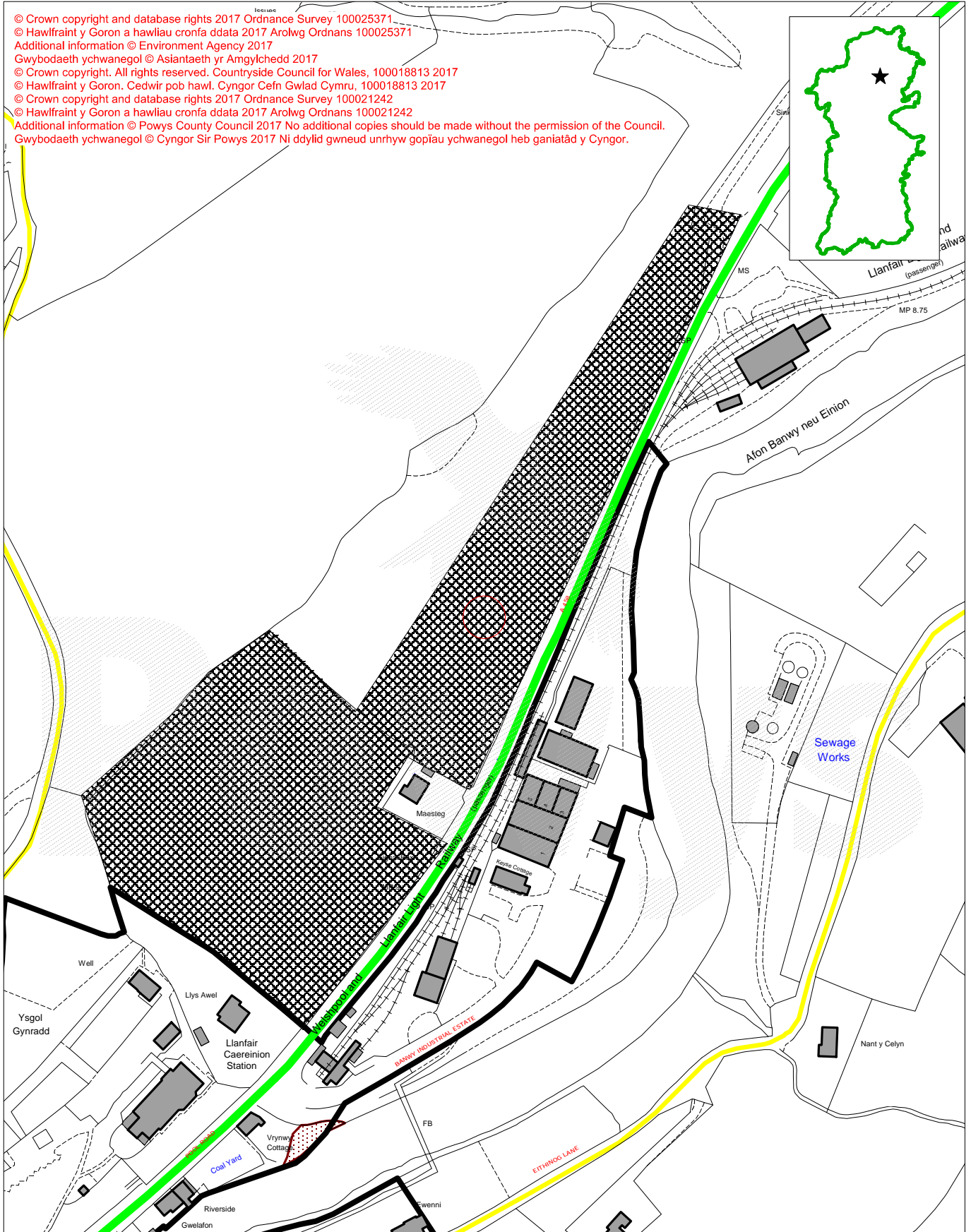
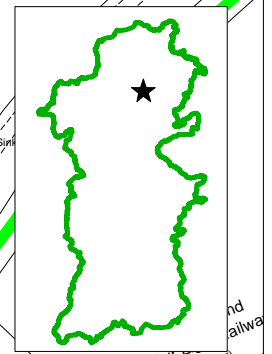
Date:

Signed:.....
Principal Planning Officer/Interim Planning Solicitor

Date:

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

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

6.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0796	Grid Ref:	308602.37 290319.98
Community Council:	Mochdre	Valid Date:	Officer: 28/07/2016 Tamsin Law
Applicant:	Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury, SY2 6LG		
Location:	Land to the south of A489 West of Mochdre Brook, Newtown, Powys, SY16 4HZ		
Proposal:	Outline application for erection of up to 60 dwellings and construction of vehicular access		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The site subject to this application is located adjacent to the Newtown development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside.

The site is located on an irregular shaped parcel of land bound to the north by the A489 Trunk Road, to the east by an area of open space, Mochdre Brook and the Mochdre Industrial Estate, to the south by a Listed Building and Glandulas caravan site, and to the west by the caravan site and an area currently being developed as part of the Newtown Bypass Scheme.

Consent is sought in outline for the erection of up to 60 dwellings with a 20% affordable housing contribution. Open space will be provided for within the development. All matters apart from access have been reserved for future consideration.

Consultee Response

Mochdre CC

Following discussion the council was in full agreement that the above application should be rejected for the following reason:

1) The proposed development is not of a scale, form and design and general character to reflect the overall appearance of the settlement and surrounding area:

The proposed development falls within the small Community Council area of Mochdre with Penstrowed, mainly within the boundary of the settlement of Penstrowed. This is a relatively quiet agricultural area with a small number of farms and individual residential properties scattered within it. There is a Parish Church and there are some light commercial enterprises also. Thus the proposed 60 dwellings are not of a density consistent with other residential property in this area. The proposed development, which is not part of the LDP for the Community Council area, is substantial and will not be capable of being integrated into the settlement without unacceptably adversely affecting the scale, character and overall appearance of the area.

Thus the Council feels that the application should be rejected because it does not conform to Policy HP5 – Residential Developments.

The council was also in full agreement that the above application should be reviewed for the following reasons:

1) Affordable Housing:

On page 20 of the Design and Access Statement accompanying the application it states that the development will contribute to the provision of affordable housing in accordance with Policy HP7. It also anticipates that the more recent LDP will have a revised guide-line of 20% provision (reduced from the stated 30-35%) in this area of Powys which, if the development were to comprise of 60 dwellings, would result in 12 dwellings being affordable. However, the Composite Version LDP – Deposit with Focussed Changes, January 2016 which was submitted to the Planning Inspectorate by Richard Pitts on 20th May, 2016 (page 80 – copy enclosed) shows a revision of this figure from 20% to 30% for Central Powys. This means that if the development were to comprise of 60 dwellings, this should result in 18 dwellings being affordable.

2) Flood Risk:

The proposed development is in a flood risk area (very close to the Mochdre Brook) and comprises a large area of hardstanding in a variety of forms - roads, driveways, etc. The materials for these areas should be chosen carefully - they should be block paviors or equivalent to enable water to drain through where possible, rather than run off.

The Council trusts that you will take its observations into account when making your deliberations.

Powys Highways

Can you confirm that a new footway will be provided to the site from where the existing footway terminates along Llanidloes Road. It does mention this within the D&A Statement but cannot see any plans that detail this.

With regard to the internal layout then the parking would need to accord with the CSS All Wales Parking Guidelines and there appears to be many properties off a private drive. As a guide on internal estate roads we only accept three. However, I appreciate this is only an indicative layout.

Powys Building Control

Building Regulations approval will be required.

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

Waste Water Comments

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals.

Powys Rights of Way

Countryside Service does not support the proposed development as it does not provide for the existing public rights of way at the proposed site and will invariably obstruct them.

The success of incorporating public rights of way into a development scheme depends on ensuring that they are well catered for at design stage and some thought is put in as to their future maintenance.

Unfortunately, this has not always been the case with developments throughout Powys. Poor design has often burdened Powys County Council with unresolvable maintenance issues.

We therefore would like to point out at this stage we will not accept poor design that would lead to development over, or illegal interference with a public right of way.

The applicant should be aware that they have a responsibility to protect public rights of during development and that any agreed works to accommodate existing or new public rights of way are in place on completion.

Consideration should therefore be given to:

- Width of a public right of way especially if it is to be enclosed.
- The surface of a right of way depending on its status and location.
- Clear responsibility of future maintenance including boundaries and surfacing.
- Lighting depending on location
- Proximity of car parking (i.e. potential to block access)
- Attention paid to least restrictive access (Equalities Act 2010)

- Associated development such as fencing and gates.
- Diverting a public right of way

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

The Definitive Map is held in the Council's Gwalia Offices, Ithon Road, Llandrindod Wells, and can be viewed by appointment.

If redesigning the layout of the development is not a possible option, the applicant will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's 'Rights of Way and Development - A Practitioners Guide', available from Countryside or Planning Services' upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0>

For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

Powys Built Heritage

Thank you for consulting me on the above application. Since my previous comments dated 14 November 2016 there have been changes to national guidance with TAN24 and its annexes which were issued and came into effect on 31 May 2017. Tan 24 and its annexes supersedes and cancels Welsh Office Circular 61/96 which I previously referred to and as such I would therefore be grateful if you could substitute these comments for my previous comments to take into account the revised national guidance.

I note the proposal is close to a number of designated heritage assets namely;

Glandulais Farmhouse grade II Cadw ID 15623 included on the statutory list on 16/05/1988,
Glanhafren Hall Gateway grade II Cadw ID 17328 included on the statutory list on 26/09/1996
Glanhafren Hall grade II Cadw ID 17327 included on the statutory list on 26/09/1996
Apple House at Glanhafren grade II Cadw ID 17329 included on the statutory list on 26/09/1996

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

Glandulais Farmhouse is situated at the end of a farm road on the South side of the A489. The house is surrounded by open pasture, with a caravan park on the West side. Glandulais is a 2 storey house facing north with a single storey extension to west. The house was included on the list as a prominently sited Regency farmhouse, of special interest for the survival of its original interior plan form and detail.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

Glandulais is a prominently sited Regency Farmhouse with good internal detailing.

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The farmhouse set in open farmland retains its agricultural character despite the modern caravan park to the west.

The detailing of the property and their chosen prominent location and the views currently afforded of them are important and evoke a sense of the past and an appreciation of agricultural practises in the late C18th and C19th.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The heritage assets have been identified as;

Glandulais Farmhouse grade II Cadw ID 15623 included on the statutory list on 16/05/1988,
Glanhafren Hall Gateway grade II Cadw ID 17328 included on the statutory list on 26/09/1996
Glanhafren Hall grade II Cadw ID 17327 included on the statutory list on 26/09/1996
Apple House at Glanhafren grade II Cadw ID 17329 included on the statutory list on 26/09/1996

Glandulais Farmhouse is listed as a prominently sited Regency farmhouse of special interest for the survival of its original interior plan form and detail. The listing describes it as a 2 storey house facing north with single storey extension to west and 2 storey extension to rear.

The property was built as a farmhouse in a prominently sited location with views of farmland in front of the house with the principal windows looking over the farmland. I note the description of the house and its setting with in the accompanying Heritage Impact Assessment July 2016, Mercia heritage Series No 977. The farmhouse was constructed with its principal views looking north over farmland towards the current A489. The list description refers to a stair hall with drawing room and dining room to right and left, with the open-well stair containing scrolled tread ends fluted balusters and wreathed handrail, and the drawing room containing a fluted timber mantelpiece and a plaster ceiling with musical trophy within huck oval classical border decorations. The house was clearly constructed for someone of status and the prominent siting referred to in the list description is duly noted.

Glanhafren Hall is a C17th house with a new front added in c1810 and is listed as a well preserved early C19th house in a prominent rural location. The three storey house faced south towards its gateway onto the A486. The Apple House is to the north of the principal house and is listed as an ornate and distinctive dovecote of the later C19th and for group value with Glanhafren Hall. The group of buildings is attractive and has a number of associated buildings appropriate for a building of its age and scale including a walled garden. I note the description of the house and its setting with in the accompanying Heritage Impact Assessment July 2016, Mercia heritage Series No 977.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the

surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. “

“The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features. For instance the setting of a listed farmhouse might be its physical agricultural surroundings, both built and landscape features such as buildings, boundaries or fields”. ”

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

- How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
 - what were its physical, functional and visual relationships with other structures/ historic assets and natural features?
 - what topographic or earlier features influenced its location?
 - what was its relationship to the surrounding landscape/streetscape?
 - was it constructed to take advantage of significant views or to be a part of a significant view? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:
 - has its function or use changed?
 - what changes have happened to the surrounding landscape/streetscape?
 - have changes happened because of changes to the historic asset or to its historical setting?
 - has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
 - has the presence of the historic asset influenced the character of the surrounding landscape/streetscape?
 - have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
 - were these relationships designed or accidental?
 - how did these relationships change over time?
 - how do these relationships appear in the current landscape; are they visual or buried features?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views to, from and across the historic asset that were designed and developed when the historic asset was first created — for example, in the case of a defensive or ritual structure
- views to, from and across the historic asset which are linked with a time in its history for example, a historic artistic depiction of the site
- important modern views to, from and across the historic asset – for example, popular

visitor viewing points.

Glandulais was constructed on a prominent site overlooking farmland and with its principal and highly decorated rooms overlooking that farmland. This would suggest that it was constructed with the intention to be seen from the road and to view the land from the principal rooms of the house.

Since its construction a caravan park has been constructed to the west of the property, however this is screened in good part by mature trees, and it is not within the principal views of the house or from the house, and as such the historic and designed views have not changed significantly since its construction.

The proximity of the Newtown by-pass is noted and it joins the A489 in close proximity to the building to the west of the property. It is noted that the bypass will have an impact on the setting of Glandulais and that the by pass will possibly afford views of the property from the south and west which are currently not easily afforded. However, taking the Cadw guidelines into consideration, it is not considered that these are the principal views of the listed building, and as such it is considered that the impact of the by-pass on the visual setting of the listed building is clearly much less significant than the current proposal.

The proposal would involve the erection of no more than 60 dwellings in the area of land immediately to the north of Glandulais Farmhouse, infilling the field between the A489 and the listed farmhouse. This would clearly impact on the setting of the listed building as it is currently a farmhouse in a prominently sited location overlooking farmland, if approved the proposal would effectively remove the views of the prominently sited farmhouse from the A489, which is the principal view of the listed building and would appear to have been designed to be seen from the road.

Whilst I note the mitigation referred to in the Heritage Impact Assessment July 2016, Mercia heritage Series No 977, that is to retain the existing hedgerow between the two fields north of the house and by making part of the access drive to the houses closest to the listed building appear like a formal approach drive to it. I note that the Heritage Impact Assessment in 6.1.1.02 considers that there will still inevitably be a degree of change to this element of the setting of the listed building, the proposed design of this part of the internal road system will be in sympathy with the status of the house and the design of its entrance front. It is understood that this is undertaken to alleviate the adverse impact of the development. The application is made in outline and as such the road layout within the estate could be subject to change, however irrespective of the design of the proposed development it is considered that the erection of such a large number of houses between the road and the front of the dwelling will screen the development and as such the setting would be adversely and severely affected.

Glanhafren Hall is to the west of the development site and is sited to the north of the A489. The house faces southwest towards the A489 and towards its listed gateway. The proposed development will be in relative close proximity to the listed gateway, however given its location south of the A489, I could not conclude that the proposal would have a significant impact on the setting of the listed gateway. The Apple House at Glanhafren is not readily visible from the A489 as it is sited to the north of the house and to the west of the walled garden, and as such I could not conclude that the proposal would have a significant impact on the setting of the apple house at Glanhafren.

Whilst it is considered that the proposal would not have a significant impact on the setting of the 3 listed buildings at Glanhafren Hall, I would consider that the proposal would have a severe and adverse impact on the setting of Glandulais Farmhouse, and potentially an impact on the economic viability of the long term preservation of this listed building and by the screening of the house from the A489 the development would remove the contribution the listed building makes to the countryside.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have due regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

National legislation and guidance and current UDP Policies and emerging LDP policies seek to protect historic assets as detailed above in ; Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Wales paragraphs, 6.4.6 and 6.5.5 (not scheduled archaeology), 6.5.11 (listed buildings) and 6.2.1 (landscapes), in the guidance on Historic Records in Wales that came into effect on 31 May, TAN24 and its annexe Setting of Historic Assets in Wales and Powys Unitary Development Plan Policies Env14, SP3b, and GP1 .

Whilst noting the reference to the current lack of housing land supply issues, and whilst accepting that housing provision is a material consideration, I am minded of Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.” Planning Policy Wales therefore places the primary material consideration to be the special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest.

I am aware of recent appeal decisions in Herefordshire and Gloucestershire where the balance of achieving housing land supply was considered against the legal requirements to

have special regard to the desirability of preserving listed buildings, or their setting which were subsequently dismissed in part because of the impact on the setting of the heritage assets.

I would also refer to a recent appeal within Powys where housing was refused on the grounds it would affect the setting of a listed building which was dismissed, and in making the decision the Inspector noted that whilst the setting of the property has been comprised to a degree by modern residential development, nonetheless this cannot justify additional development that would further erode its setting”

The Inspector addresses views of the listed building

“The proposed dwellings would have a significant detrimental impact on the open spacial/visual relationship that has existed for many years and on the historic function and relationship of the land to the listed house; little of the sense of that historic relationship would remain.”

In addressing the housing land supply the Inspector noted that “Clearly the lack of a 5 year supply is a significant material consideration that weighs in favour of the proposal. Technical Advice Note 1: Joint Housing Land Availability Studies 2015 (TAN 1), states that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national policies. However for the reasons given previously the benefits from the proposal in terms of the contribution to housing land supply do not outweigh the considerable conflict with the development plan and national planning policy which seeks to safeguard heritage assets”

I would therefore wish to OBJECT to P/2016/0796 and would recommend refusal for the following reason.

The development would adversely affect the setting of the designated heritage asset Glandulais Farmhouse which lies to the south of the application site. The farmhouse is a Regency farmhouse prominently sited with its principal and formal rooms overlooking farmland to its north. The existing setting to this listed building has a rural character and appearance appropriate for a farmhouse which is reinforced by the rural outlook over the application site but is also part of the setting when travelling along the A439 in either direction. It is considered that large-scale development in this location would fundamentally change the character and appearance of this site just outside Newtown in a manner that would adversely affect the setting of Glandulais farmhouse by introducing a more suburban character to this current rural area. In addition to the listed building being screened from its principal views from the A489, the proposal by virtue of its size would effectively remove the farmland character from the setting of this large Regency Farmhouse. As a result of the significant and demonstrable adverse impacts outlined above , it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraphs 6.2.1 and 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Plan Policies Policy SP3b, ENV14 and GP1.

Powys Affordable Housing

I am happy to support the application as long as the following guidelines are adhered to;

- 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.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

Powys Ecologist

1st Response

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 4.3 hectares and includes 60 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development. A Screening Opinion for Environmental Impact Assessment will therefore not be required.
Protected Species & Habitats ¹	European Species ☒	<u>Bats</u> There is potential for bats to be roosting in mature trees located immediately adjacent and along the boundary of the proposed development within the wooded corridor of the Mochdre Brook and a mature oak located within the northwestern field boundary of the field to the north of the A489. These trees are to be retained but could be indirectly affected by construction activities or temporary or permanent lighting associated with the proposed development. The wooded corridor of the Mochdre Brook and hedgerow field boundaries are likely to be used by bats for foraging and/or commuting. The Ecological Assessment undertaken by Turnstone Ecology in July 2016 confirms this, particularly for the river corridor,

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

		<p>where numerous pipistrelles and one lesser horseshoe bat were recorded foraging. Not all of the bat activity survey data has been included in this initial report, and it should be provided when the surveys have been completed along with any additional recommendations/mitigation arising from it. BIS data also shows that the Mochdre Brook is well-used by common and soprano pipistrelle bats. See Summary of Recommendations below for mitigation required.</p> <p><u>Otters</u> Evidence of otters has been recorded along the Mochdre Brook and River Severn, which converge approximately 150m downstream of the proposed development. Although suitable habitat for otter resting sites was recorded within the wooded corridor of the Mochdre Brook to the east of the proposed development, no evidence of active holts or resting places was recorded during the Ecological Assessment undertaken by Turnstone Ecology in July 2016. Otter activity along the river corridor could be disturbed/affected by construction activities or temporary or permanent lighting associated with the proposed development. See Summary of Recommendations below for required mitigation.</p> <p><u>Dormice</u> The BIS data provides records of dormice along the wooded valley of the Mochdre Brook to the south of the proposed development area. The Ecological Assessment undertaken by Turnstone Ecology in July 2016 identified the wooded corridor of the Mochdre Brook as providing potentially suitable habitat for dormice but the hedgerows forming the field boundaries were considered to be too fragmented and poorly connected to wooded areas. However, due to the close proximity of suitable woodland, dormouse records approximately 390m to the south and also ancient semi-natural woodland approximately 215m to the west and 450m to the south, it is considered that a precautionary approach should be taken and any hedgerow removal undertaken under an ecological watching brief for dormice (see Summary of Recommendations below).</p>
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	<p>UK Species <input checked="" type="checkbox"/></p>	<p><u>Badgers</u> No evidence of badgers was recorded during the Ecological Assessment undertaken by Turnstone Ecology in July 2016 but it is considered that they may use habitats within the proposed development site for foraging occasionally and could therefore suffer some disruption during construction. See Summary of Recommendations below for required mitigation.</p> <p><u>Nesting Birds</u> All the hedgerows, scrub and trees within the area of proposed development provide suitable habitat for nesting birds. Any clearance/removal of these habitats during the bird nesting season (March – August inclusive) could therefore cause damage/disturbance to nesting birds. See Summary of Recommendations below for required mitigation.</p> <p><u>Reptiles</u> The presence of reptiles within the area of proposed development is considered unlikely but due to the presence of potential reptile habitat, such as hedgerows and scrub and a nearby record of slow-worm from the BIS data, some mitigation will be required to minimise the risk of harm to the more common reptile species. See Summary of Recommendations below for required mitigation.</p>
	<p>Section 7 Species & Habitats <input checked="" type="checkbox"/></p>	<p>In addition to the species discussed above, the BIS data includes nearby records of white-letter hairstreak, hedgehog, house sparrow and starling, all listed as species of principal importance for the conservation of biodiversity in Wales under Section 7 of the Environment (Wales) Act 2016. Lowland mixed deciduous woodland, hedgerows and rivers are listed as habitats of principal importance for the conservation of biodiversity in Wales under Section 7 of the same Act.</p> <p>The mitigation required for other protected species described above and retention of all mature trees and the majority of the hedgerows present at the site (other than a small section removed for access), along with pollution prevention measures in relation to the Mochdre Brook, would ensure that any impacts on these</p>

		species and habitats is minimal. See Summary of Recommendations below for required mitigation. The additional planting proposed and seeding and management of Field B to create lowland meadow habitat, also listed on Section 7, (as described in the Ecological Assessment by Turnstone Ecology, July 2016) would also help to maintain and enhance the biodiversity present at the site, in accordance with the Environment (Wales) Act 2016.
	LBAP Species & Habitats <input checked="" type="checkbox"/>	Hedgehog and slow-worm are also listed on Powys LBAP. See comments in UK species and Section 7 species above.
Protected Sites	International Sites (within 2km) ² <input checked="" type="checkbox"/>	The River Wye SAC is located approximately 7.3km to the south. Although otter is a highly mobile feature of this SAC, and otters could be slightly affected by the proposed works due to potential disturbance during construction and also potentially by lighting during construction and operation, it is very unlikely that the proposed development would have a significant impact on the SAC due to the different river catchment involved and the distance and nature of the proposed works. Therefore a Habitats Regulations Assessment will not be required.
	National Sites (within 500m) ³ <input checked="" type="checkbox"/>	Three SSSIs are located within 2km of the proposed works but due to the scale and nature of the works and the features of the sites, it is unlikely that there would be any significant impacts.
	Local Sites (within 500m) <input type="checkbox"/>	None present that could be affected by the proposed works.
Invasive Non-Native Species	Unknown	None were mentioned in the Ecological Assessment report provided by Turnstone Ecology in July 2016. However, should any be encountered during the works, NRW should be consulted for advice in order to prevent the spread of non-native invasive plant species in the wild.
Cumulative Effect	Unknown / Unconfirmed	The agreed route of the Newtown Bypass is adjacent to the development site location. The Ecological Assessment report (Turnstone Ecology, July 2016) references the findings of the ES for that project for various protected

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>species. However, due to the low level of ecological impact anticipated for this scheme and the mitigation proposed which should negate any adverse impacts, it is unlikely that there would be a cumulative effect.</p>
<p>Summary of recommendations / further assessment or work</p>	<p>All of the mitigation included within Sections 4.3 and 4.4 of the Ecological Assessment report (Turnstone Ecology, 2016), should be undertaken, along with any further mitigation/recommendations arising from the additional bat surveys when these are completed. In addition, it is considered that a precautionary approach should be taken in relation to potential impacts on dormice and any hedgerow removal should be undertaken under an ecological watching brief by an ecologist licensed to handle dormice. This should include a hand search for dormouse summer nests / hibernating dormice immediately prior to the hedgerow removal, according to guidance provided in the Dormouse Conservation Handbook (Natural England, 2006). It is recommended that wych elm or English elm is included in the species mix for the proposed planting at the site, as the foodplant of the white-letter hairstreak, recorded nearby.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p>1) The recommendations identified in Sections 4.3 and 4.4 of the Ecological Assessment Report by Turnstone Ecology dated 25th July 2016, including measures for minimising impacts on species and habitats, as well as habitat creation, shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</p> <p><u>Reason:</u> 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 Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>2) A report detailing the results of the additional bat activity surveys discussed in Section 2.3.2 of the Ecological Assessment Report by Turnstone</p>

	<p>Ecology dated 25th July 2016 shall be provided to the LPA prior to the commencement of works and any recommendations/mitigation arising from this should be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</p> <p><u>Reason:</u> 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 Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>3) Any hedgerow removal shall be undertaken under the supervision of an ecologist licensed to handle dormice, following a hand search by the ecologist for summer dormouse nests or hibernating dormice depending on the season.</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 Environment (Wales) Act 2016.</p> <p>4) Prior to commencement of development, a detailed Biodiversity Enhancement Plan (including consideration of Section 7 species and the proposals for tree and hedgerow planting and lowland meadow creation and management), shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p>5) Prior to commencement of development a Pollution Prevention Plan, with particular regard to site drainage and the close proximity of</p>
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	<p>Mochdre Brook, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 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 Environment (Wales) Act 2016.</p> <p>6) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p>7) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> 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.</p> <p>8) Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV3 in</p>
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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 Environment (Wales) Act 2016.

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.

- 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 0845 1300 228 or email enquiries@bats.org.uk

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any

- otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Dormice - 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 dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 7: Protected Species
Comments on Additional Information	Click here to enter text.

2nd Response

Ecological Topic		Observations
EIA Screening Requirement	No	Powys County Council have confirmed (28/07/16) that a Screening Opinion for Environmental Impact Assessment will not be required.
Protected Species & Habitats ⁴	European Species	<p>⊗ A Preliminary Ecological Assessment report was completed by Turnstone Ecology (July, 2016) and was updated in October 2016 with additional information. These observations are based on the October 2016 PEA and the additional information provided therein. The PEA generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009). The PEA involved a Phase 1 habitat survey, protected fauna survey, Habitat Suitability Assessment and a search of European Protected Species records held within 2km of the development site (although not via the local Biodiversity Information Service). Bat activity surveys have been completed in July, August and September 2016.</p> <p><u>Bats</u> There is potential for bats to be roosting in mature trees located immediately adjacent and along the boundary of the proposed development within the wooded corridor of the Mochdre Brook and a mature oak located within the northwestern field boundary of the field to the north of the A489. These trees are to be retained but could be indirectly affected by construction activities or temporary or permanent lighting associated</p>

⁴ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>with the proposed development. According to the Ecological Assessment by Turnstone Ecology (October 2016) the wooded corridor of the Mochdre Brook and hedgerow field boundaries are used by bats for foraging and/or commuting. BIS data also shows that the Mochdre Brook is well-used by common and soprano pipistrelle bats. See Summary of Recommendations below for mitigation required.</p> <p>Measures to mitigate potential impacts associated with vegetation removal and increased lighting are provided in section 4.4.3 of the Ecological Assessment by Turnstone Ecology (October 2016).</p> <p><u>Otters</u> Evidence of otters has been recorded along the Mochdre Brook and River Severn, which converge approximately 150m downstream of the proposed development. Although suitable habitat for otter resting sites was recorded within the wooded corridor of the Mochdre Brook to the east of the proposed development, no evidence of active holts or resting places was recorded during the Ecological Assessment undertaken by Turnstone Ecology. Otter activity along the river corridor could be disturbed/affected by construction activities or temporary or permanent lighting associated with the proposed development, mitigation measures are provided in section 4.4.5 of the Ecological Assessment Report (October 2016).</p> <p><u>Dormice</u> The BIS data provides records of dormice along the wooded valley of the Mochdre Brook to the south of the proposed development area. The Ecological Assessment by Turnstone Ecology identified the wooded corridor of the Mochdre Brook as providing potentially suitable habitat for dormice but the hedgerows forming the field boundaries were considered to be too fragmented and poorly connected to wooded areas. However, due to the close proximity of suitable woodland, dormouse records approximately 390m to the south and also</p>
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		<p>ancient semi-natural woodland approximately 215m to the west and 450m to the south, it is considered that a precautionary approach should be taken and any hedgerow removal undertaken under an ecological watching brief for dormice (see Summary of Recommendations below).</p>
	<p>UK Species</p>	<p><input checked="" type="checkbox"/></p> <p><u>Badgers</u> No evidence of badgers was recorded within the Ecological Assessment by Turnstone Ecology but it is considered that they may use habitats within the proposed development site for foraging occasionally and could therefore suffer some disruption during construction, therefore mitigation measures are provided in section 4.4.2 of the report.</p> <p><u>Nesting Birds</u> All the hedgerows, scrub and trees within the area of proposed development provide suitable habitat for nesting birds. Any clearance/removal of these habitats during the bird nesting season (March – August inclusive) could therefore cause damage/disturbance to nesting birds, and mitigation measures are provided in section 4.4.7 of the Ecological Assessment report by Turnstone Ecology.</p> <p><u>Reptiles</u> The presence of reptiles within the area of proposed development is considered unlikely but due to the presence of potential reptile habitat, such as hedgerows and scrub and a nearby record of slow-worm from the BIS data, some mitigation will be required to minimise the risk of harm to the more common reptile species, as specified in section 4.4.9 of the Ecological Assessment report by Turnstone Ecology.</p>
	<p>Section 7 Species & Habitats</p>	<p><input checked="" type="checkbox"/></p> <p>In addition to the species discussed above, the BIS data includes nearby records of white-letter hairstreak, hedgehog, house sparrow and starling, all listed as species of principal importance for the conservation of biodiversity in Wales under Section 7 of the Environment (Wales) Act 2016. Lowland mixed deciduous woodland, hedgerows and rivers are listed as habitats of principal</p>

		<p>importance for the conservation of biodiversity in Wales under Section 7 of the same Act.</p> <p>The mitigation required for other protected species described above and retention of all mature trees and the majority of the hedgerows present at the site (other than a small section removed for access), along with pollution prevention measures in relation to the Mochdre Brook, would ensure that any impacts on these species and habitats is minimal.</p> <p>The additional planting proposed and seeding and management of Field B to create lowland meadow habitat, also listed on Section 7, as described in the Ecological Assessment by Turnstone Ecology, would also help to maintain and enhance the biodiversity present at the site, in accordance with the Environment (Wales) Act 2016.</p>
	<p>LBAP Species & Habitats</p> <p style="text-align: right;">☒</p>	<p>Hedgehog and slow-worm are also listed on Powys LBAP. See comments in UK species and Section 7 species above.</p>
Protected Sites	<p>International Sites (within 2km)⁵</p> <p style="text-align: right;">☒</p>	<p>The River Wye SAC is located approximately 7.3km to the south. Although otter is a highly mobile feature of this SAC, and otters could be slightly affected by the proposed works due to potential disturbance during construction and also potentially by lighting during construction and operation, it is very unlikely that the proposed development would have a significant impact on the SAC due to the different river catchment involved and the distance and nature of the proposed works. Therefore a Habitats Regulations Assessment will not be required.</p>
	<p>National Sites (within 500m)⁶</p> <p style="text-align: right;">☒</p>	<p>Three SSSIs are located within 2km of the proposed works but due to the scale and nature of the works and the features of the sites, it is unlikely that there would be any significant impacts.</p>

⁵ Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

⁶ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	Local Sites (within 500m) <input type="checkbox"/>	None present that could be affected by the proposed works.
Invasive Non-Native Species	Yes	Himalayan Balsam is present along the Mochdre Brook (Turnstone Ecology, October 2016). A recommendation within the ecology report to include its removal as part of the proposed habitat enhancement along the Mochdre Brook is welcomed.
Cumulative Effect	No	The agreed route of the Newtown Bypass is adjacent to the development site location. The PEA report (Turnstone Ecology, October 2016) references the findings of the ES for that project for various protected species. Significant cumulative impacts are not considered likely since the habitats along the Mochdre Brook will not be affected, and there are potential opportunities for improved movement of mammals across the adjacent A489 if it carries less traffic in future.
Summary of recommendations / further assessment or work		<p>It would seem likely that the creation of the new access points would require the removal of sections of hedgerow. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.</p> <p>In addition, it is considered that a precautionary approach should be taken in relation to potential impacts on dormice and any hedgerow removal should be undertaken under an ecological watching brief by an ecologist licensed to handle dormice. This should include a hand search for dormouse summer nests / hibernating dormice immediately prior to the hedgerow removal, according to guidance provided in the Dormouse Conservation Handbook (Natural England, 2006). It is recommended that wych elm or English elm is included in the species mix for the proposed planting at the site, as the foodplant of the white-letter hairstreak, recorded nearby.</p>
Recommended Conditions		<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p>1) The recommendations identified in Sections 4.3 and 4.4 of the Ecological Assessment Report by Turnstone Ecology dated 6th October 2016, including measures for minimising impacts on species and habitats, as well as habitat creation, shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP</p>

	<p>Policies SP3, ENV2, 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 Environment (Wales) Act 2016.</p> <p>2) Any hedgerow removal shall be undertaken under the supervision of an ecologist licensed to handle dormice, following a hand search by the ecologist for summer dormouse nests or hibernating dormice depending on the season.</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 Environment (Wales) Act 2016.</p> <p>3) Prior to commencement of development, a detailed Biodiversity Enhancement Plan (including consideration of Section 7 species and the proposals for tree and hedgerow planting and lowland meadow creation and management), shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p>4) Prior to commencement of development a Pollution Prevention Plan, with particular regard to site drainage and the close proximity of Mochdre Brook, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 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 Environment (Wales) Act 2016.</p> <p>5) A lighting design scheme to take any impacts on</p>
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nocturnal wildlife into consideration shall be submitted for written LPA approval.

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 Environment (Wales) Act 2016.

6) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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 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.

7) Prior to commencement of development, a Species List for the Landscape Planting 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 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 Environment (Wales) Act 2016.

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.
- 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 0845 1300 228 or email enquiries@bats.org.uk

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Dormice - 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 dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>Additional information has been submitted with this application in the form of an updated Preliminary Ecological Appraisal (Turnstone Ecology, October 2016). The additional information provided is summarised as follows:</p> <ul style="list-style-type: none"> • The results of bat activity surveys completed in July, August and September 2016 have been considered with regard to the potential impact of the development on bats that may currently be using the site. As a result of confirmed bat activity a lighting plan is proposed, which will reflect the Bat Conservation Trust bats and Lighting in the UK guidance (2009). • Species-specific historic records are referred to in the species accounts where relevant. • Section 7 species (such as Brown Hare, European Hedgehog and Polecat) have been considered as UKBAP species and habitat enhancements are expected to benefit these too. • Significant cumulative effects with the Newtown bypass are not considered likely.

Powys Land Drainage

No comment received by Development Management at the time of writing this report

Newtown TC

Council supports the application but considers the development likely to have a substantial impact on Newtown so would like to see plans to improve access to facilities, services and infrastructure in Newtown and Llanllwchaiarn. In addition the town council requests that play and recreation facilities are provided on the development itself.

NRW

1st Response

Thank you for referring the above consultation received by us on 31st July 2016. We understand that the proposal falls outside of the current development boundary of Newtown.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirement & Conditions

Requirement 1 – Submission of an adequate site specific flood consequence Assessment in support of this application utilizing the best available information available and with level of flood risk posed to the site quantified in terms of flood depths and associated hazards.

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse 4.4.5 Otter of Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited - should be implemented and included in the detailed design

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Flood Risk

The planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Mochdre Brook.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding this policy advice, the decision as to whether a development is justified is entirely a matter for your authority. For this reason, we have reviewed the flood consequences assessment (FCA) (Compiled by Hafren Water, dated July 2016, Ref 2158/FCA) submitted in support of the application, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property. Our advice to you is that the FCA is inadequate relative to the scale and nature of the proposed and does not allow us to make an informed response to you in relation to TAN15 criteria. The deficiencies in the FCA are;

The Stage 2 Strategic Flood Consequences Assessment considered a nearby site in detail. Halcrow produced detailed hazard and flood extent maps for this reach of the Mochdre Brook.

The site specific FCA has made reference to the SFCA Stage 2 work but has not interrogated the model data, or followed pre-application advice given by NRW. Halcrow were specifically commissioned to consider promoted sites and perceived risks. Any site specific FCA should consider the findings of any SFCA work and take advantage of the detailed modelling that Halcrow carried out. Whilst the hydrology and survey data may require updating, it is still considered best information available and should form the basis of any FCA in terms of assessment of level of risk, hazard and possible mitigation.

We would also expect anecdotal flooding information to have been sourced from all available records, landowner, nearby residents, Powys County Council and online records.

All surface water drainage proposals will need consideration by the Lead Local Flood Authority.

In summary, the site specific FCA submitted in support of this application is inadequate as it has not used best information available nor has it quantified the level of flood risk posed to the site in terms of flood depths and associated hazards.

We advise that the FCA sources the SFCA information from Powys CC and interrogates that data in relation to TAN15 requirements.

Dave Tarrant in our Flood Mapping & Data Management team is willing to advise the consultants, Hafren Water on interrogation of data. However, it would be the consultant's responsibility to source the model information, assess its suitability and propose any amendments it considers appropriate relative to the scale and nature of the proposed.

European Protected Species

The application is supported by an ecological survey. (Reference Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited. Unpublished.

We consider the ecological submission to be appropriate and proportionate for the purposes of informing the planning decision making process and we concur with the submitted conclusions and mitigation in section 4.3.2.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species. The proposal is not likely to affect any fully protected British protected species. Therefore we have no objection regarding species to the submitted proposals. We advise that the following conditions are attached to any planning consent:

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse 4.4.5 Otter of Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited - should be implemented and included in the detailed design

Reason: To mitigate adverse effects on protected species and enhance natural habitats.

Pollution Prevention

The Mochdre brook flows along the stern boundary of the proposal site. The pollution prevention guidelines have been withdrawn from the English Environment Agency website although they are still applicable in Wales and can be found on the netregs website at the following link

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Reason: To protect the water environment from potential pollution during the construction phase.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All surface water must be discharged via an interceptor. If any dewatering is to occur NRW must be notified first as a permit may be required. Any excavation water must be free of contaminants (e.g., fuels/oils etc). If concrete wash water is to be discharged this may require treatment before discharge and may require a permit.

Any waste material stored, used or disposed of must be done so in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 0800 80 70 60.

Foul Drainage

The means of foul drainage is not stated in the information submitted with the planning application. For a housing development of this size we strongly recommend that it is connected to the main sewer network of Newtown. Any private waste water treatment plant would require a permit from NRW and elsewhere we have refused such permits in areas served by mains sewer networks.

When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system

serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

2nd Response

Thank you for referring the above consultation received by us on 1st of November 2016. We understand that the proposal falls outside of the current development boundary of Newtown.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirement & Conditions

Requirement 1 – Submission of an adequate site specific flood consequence Assessment in support of this application utilizing the best available information available and with level of flood risk posed to the site quantified in terms of flood depths and associated hazards.

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse 4.4.5 Otter of Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited - should be implemented and included in the detailed design

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Flood Risk

The planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Mochdre Brook.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding this policy advice, the decision as to whether a development is justified is entirely a matter for your authority. For this reason, we have reviewed the flood consequences assessment (FCA) (Compiled by Hafren Water, dated July 2016, Ref 2158/FCA) submitted in support of the application, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property. Our advice to you is that the FCA is inadequate relative to the scale and nature of the proposed and does not allow us to make an informed response to you in relation to TAN15 criteria. The deficiencies in the FCA are;

The Stage 2 Strategic Flood Consequences Assessment considered a nearby site in detail. Halcrow produced detailed hazard and flood extent maps for this reach of the Mochdre Brook.

The site specific FCA has made reference to the SFCA Stage 2 work but has not interrogated the model data, or followed pre-application advice given by NRW. Halcrow were specifically commissioned to consider promoted sites and perceived risks. Any site specific FCA should consider the findings of any SFCA work and take advantage of the detailed modelling that Halcrow carried out. Whilst the hydrology and survey data may require updating, it is still considered best information available and should form the basis of any FCA in terms of assessment of level of risk, hazard and possible mitigation.

We would also expect anecdotal flooding information to have been sourced from all available records, landowner, nearby residents, Powys County Council and online records.

All surface water drainage proposals will need consideration by the Lead Local Flood Authority.

In summary, the site specific FCA submitted in support of this application is inadequate as it has not used best information available nor has it quantified the level of flood risk posed to the site in terms of flood depths and associated hazards.

We advise that the FCA sources the SFCA information from Powys CC and interrogates that data in relation to TAN15 requirements.

Dave Tarrant in our Flood Mapping & Data Management team is willing to advise the consultants, Hafren Water on interrogation of data. However, it would be the consultant's responsibility to source the model information, assess its suitability and propose any amendments it considers appropriate relative to the scale and nature of the proposed.

European Protected Species

The application is supported by an ecological survey. (Reference Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited. Unpublished.

We consider the ecological submission to be appropriate and proportionate for the purposes of informing the planning decision making process and we concur with the submitted conclusions and mitigation in section 4.3.2.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species. The proposal is not likely to affect any fully protected British protected species. Therefore we have no objection regarding species to the submitted proposals. We advise that the following conditions are attached to any planning consent:

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse 4.4.5 Otter of Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited - should be implemented and included in the detailed design

Reason: To mitigate adverse effects on protected species and enhance natural habitats.

Pollution Prevention

The Mochdre brook flows along the stern boundary of the proposal site. The pollution prevention guidelines have been withdrawn from the English Environment Agency website although they are still applicable in Wales and can be found on the netregs website at the following link

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Reason: To protect the water environment from potential pollution during the construction phase.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All surface water must be discharged via an interceptor. If any dewatering is to occur NRW must be notified first as a permit may be required. Any excavation water must be free of contaminants (e.g., fuels/oils etc). If concrete wash water is to be discharged this may require treatment before discharge and may require a permit.

Any waste material stored, used or disposed of must be done so in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to

discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 0800 80 70 60.

Foul Drainage

The means of foul drainage is not stated in the information submitted with the planning application. For a housing development of this size we strongly recommend that it is connected to the main sewer network of Newtown. Any private waste water treatment plant would require a permit from NRW and elsewhere we have refused such permits in areas served by mains sewer networks.

When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

3rd Response

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 06/12/2016.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Summary of Requirements:

Requirement 1 – Updated and resubmitted FCA which sources SFCA information from Powys CC and interrogates that data in relation to TAN15 requirements

Flood Risk

The planning application proposes a highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Mochdre Brook.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding this policy advice, the decision as to whether a development is justified is a matter for your authority. For this reason, we have reviewed the flood consequences assessment (FCA) (Compiled by Hafren Water, dated July 2016, Ref 2158/FCA) submitted in support of the application, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property. Our advice to you is that the FCA is inadequate relative to the scale and nature of the proposed and does not allow us to make an informed response to you in relation to TAN15 criteria. The deficiencies in the FCA are;

The Stage 2 Strategic Flood Consequences Assessment considered a nearby site in detail. Halcrow produced detailed hazard and flood extent maps for this reach of the Mochdre Brook.

The site specific FCA has made reference to the SFCA Stage 2 work but has not interrogated the model data, in spite of NRW giving pre-application advice. Halcrow were specifically commissioned to consider promoted sites and perceived risks. It is a fundamental requirement that any site specific FCA should consider the findings of any SFCA work and take advantage of the detailed modelling that Halcrow carried out. Whilst the hydrology and survey data may require updating, it is still considered best information available and should form the basis of any FCA in terms of assessment of level of risk, hazard and possible mitigation.

We would also expect anecdotal flooding information to have been sourced from all available records, landowner, nearby residents, Powys CC and online records. All surface water drainage proposals will need consideration by the Lead Local Flood Authority.

In summary, the site specific FCA submitted in support of this application is inadequate as it has not used best information available nor has it quantified the level of flood risk posed to the site in terms of flood depths and associated hazards.

Requirement 1 – Updated and resubmitted FCA which sources SFCA information from Powys CC and interrogates that data in relation to TAN15 requirements

Should you require further assistance Dave Tarrant in our Flood Mapping & Data Management team (03000 65 3137) can explain the means of interrogation to Hafren Water. It is, however, Hafren Water's responsibility to source the model information, assess its suitability and propose any amendments it considers appropriate relative to the scale and nature of the proposed.'

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on

our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

4th Response

Thank you for referring the additional information submitted in support of these proposals, which we received from the developer on 13/06/2017. Further to our previous letters submitted in response these proposals (referenced CAS-21928-T1J0 and CAS-21931-V6H6 dated 26/08/2016), we have the following comments to provide.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permissions if you attach the conditions listed below. We would object if the consent does not include these conditions.

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse and 4.4.5 Otter of Wilson, S (2016) – Land off A489, Newtown, Turnstone Ecology Limited – should be implemented and included in the detailed design.

Condition 2 – The submission and implementation of a Pollution Prevention Plan

European Protected Species

The applications are supported by an ecological survey (Wilson, S 2016) 'Land off A489, Newtown – Turnstone Ecology Limited.

We consider the ecological submission to be appropriate and proportionate for the purposes of informing the planning decision making process and we concur with the submitted conclusions and mitigation in section 4.3.2.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species. The proposals are not likely to affect any fully protected British protected species.

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse and 4.4.5 Otter of Wilson, S (2016) – Land off A489, Newtown, Turnstone Ecology Limited – should be implemented and included in the detailed design.

We have no objection to the proposals on the grounds of protected species, provided a condition is imposed on the planning consents requiring the implementation of the mitigation measures as detailed in the ecological report.

Reason: To mitigate adverse effects on protected species and enhance natural habitats.

Pollution Prevention

The Mochdre brook flows along the eastern boundary of the proposal site. Care must be taken to ensure the environment is not polluted during the course of the works. The following

pollution prevention measures should be adhered to, and set out in a method statement to the satisfaction of the Local Planning Authority.

Condition 2 – The submission and implementation of a Pollution Prevention Plan

Reason: To protect the water environment from potential pollution during the construction phase.

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the Gov.uk website:
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Although this document is withdrawn, the advice it provides is still relevant.

The Preliminary Ecological Assessment submitted in support of the proposal suggests some pollution prevention measures under section 5.3.2 'Mitigation', which should be included in the Pollution Prevention Plan.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All surface water must be discharged via an interceptor. If any dewatering is to occur NRW must be notified first as a permit may be required. Any excavation water must be free of contaminants (e.g. fuels/oils etc). If concrete wash water is to be discharged this may require treatment before discharge and may require a permit.

Any waste material stored, used or disposed of must be done in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity of an exemption permit for any material imported to and exported from site.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of banded compound should be 110% of the capacity of the tank. All filling points, gauges, vents and sight glasses must be located. Should any pollution occur, Natural Resources Wales must be notified immediately on our incident hotline which is 03000 65 3000.

External Lighting

Care should be taken in the type and location of any external lighting within the new development, to ensure that the river, hedgerows and trees identified on site are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Flood Risk

The planning application for the northern site proposes a highly vulnerable development in the vicinity of zone C2 of the Development Advice Map (DAM) referred to by TAN15 Development and Flood Risk (July 2004).

The proposal was initially submitted with a site plan which indicated that the red line boundary of the proposal was in the C2 flood zone.

Additional flood modelling work has now been undertaken by the applicant's consultants, in support of the proposal for the northern site. The modelling work has been reviewed by NRW and a summary of our conclusions is listed below:

1. The Powys SFCA model for the Mochdre brook was supplied to the consultant as a starting point for the modelling works. Additional blockage scenarios for the Railway bridge and Dulais bridge were successfully applied to the model and re-run. The model was run for the 1 in 100+25 and 1 in 1000 year events.

2. The model was reviewed and no issues were found with the model construction.

3. The model is considered fit for purpose to support the development and has been incorporated into the SE Wales model manager.

4. The 1 in 1000 year event with 80% blockage on the Railway Bridge provides the worst case scenario for the inundation extent adjacent to the northern site. The red line boundary should be redrawn to reflect this. The red line boundary for the southern site is not affected by any modelled event or scenario.

5. Following the improved modelling works, there is no need on this occasion to challenge the flood map, as there is little/no change in inundation extent from the updated outputs.

For information, this site is affected by the updated DAM in March 2017 and is now partially located in Zone B.

The developer has re-submitted a site plan (Proposed Block Plan showing Position of Access and Indicative Layout, Berrys, Drawing number SA22302/01/07, July 2016) which was received by NRW on 13/06/2017. This plan has been resubmitted to us by your Local Authority on 11/07/2017.

Provided that this updated plan is formally submitted as part of the planning application, we can confirm that the plan now indicates that the proposed dwellings will be built outside of the predicted flood zone. This is confirmed by the modelling work.

With respect to the southern site, the plan indicates that built development will be outside of the flood plain area, therefore we would have no objection on flood risk grounds.

At detailed design stage, we would wish to be re-consulted to ensure that the watercourse corridor is maintained.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport

1st Response

I refer to your consultation of 1 August 2016 regarding the above application and advise that the Welsh Government as highway authority for the A489 trunk road directs that permission be withheld until further notice due to;

1. Welsh Government Transport Division are in discussions to establish the timescale for de-trunking this section of the trunk road, which will determine the standards to be applied.

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

2nd Response

I refer to your consultation of 23 November 2016 regarding the above application and advise that the Welsh Government as highway authority for the A489 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A489 trunk road, so that compliance to the Design Manual for Roads and Bridges (DMRB) can be assessed. The drawing must contain details of the following:-

- a) Visibility Splays in either direction, both horizontally and vertically, along the A489 from a suitable set-back on the access road to the proposed development.
- b) Gradient of the access road to the proposed development and the A489 trunk road carriageway in both directions
- c) Access road width and radii dimensions
- d) Access surfacing type along with depth and width dimensions.

2. The applicant must provide detail of proposed Active Travel compliant infrastructure along the existing Trunk Road to join the existing and soon to be enhanced infrastructure.

3. The applicant must provide details of public transport provisions on both sides of the road to include bus stops and shelters to comply with the requirements of the Local Highway Authority

3rd Response

I refer to your consultation of 6 June 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A489 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB) with the exception of any agreed Departures from Standard.

2. The junction and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (Drawing Number – SA22302/01/09 and SA22302/01/12).

3. The junction and visibility requirements shall be substantially complete and available for use prior to the occupation of any dwellings associated with the above development..

4. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

5. The applicant shall provide wheel-washing facilities at the construction site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site during the construction stage.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

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) The Applicant shall commission and pay for a Safety Audit of the scheme, (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/15. The Applicant shall agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works.

f) 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.

1. 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.

Powys Ramblers

Thank you for the opportunity to comment on this application.

We could not spot any reference in the documents on the website to the 2 rights of way that are shown on the Explorer OS map on the development site both of which adjoin the A489. Clearly the development will have a major impact on users of these rights of way and we would expect to see some information about the applicants plans for either preserving them, diverting or extinguishing them. When we have received information about this will be able to comment but, in the meantime, we cannot support this application without further information.

Powys Outdoor Recreation

Outdoor Recreation Services would ask for a Section 106 contribution.

Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the Town Council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Service's usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.

All private housing up to three bedrooms is £ 1000.00 per property.

All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

If you have any further questions please do not hesitate to contact me.

Cadw

Thank you for your e-mail of 1 August 2016 inviting our comments on the planning application for the proposed development as described above.

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Having carefully considered the information provided with the planning application, we consider that the proposed development will have no impact on any designated historic assets. We therefore have no comments to make on the proposed development.

Powys Environmental Protection

In relation to Planning Application P/2016/0796 the following advice is provided for the consideration of Development Control.

Advice

Historic Ordnance Survey (OS) maps identify that the Eastern area of the application site was occupied by a Sewage Works. The Department of the Environment 'Industry Profile: Sewage Works and Sewage Farms' (1995) provides guidance concerning the potential contaminant sources and contaminants of concern.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' advises: *"responsibility for determining the extent and effects of instability or other risk remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners"*.

Based on the land use history of the application site and the sensitivity of the proposed development (residential) it is recommended that the following Condition and Note to the applicant are attached to any permission granted for Planning Application P/2016/0796:

Condition A

Condition 1. Site Characterisation

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).

Condition 2. Submission of Remediation Scheme

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 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

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.*

Condition 4. Reporting of Unexpected Contamination

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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

Condition 5. Long Term Monitoring and Maintenance

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'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DC15 of the adopted Local Plan (date)].

Representations

The application has been advertised through the erection of a site notice and press advertisement. One objection has been received and is summarised below;

- The site lies outside the settlement boundary and would constitute development in the open countryside.
- The site has not been allocated in the current UDP or promoted as a candidate site in the emerging LDP.
- The site is remote from facilities and would promote additional vehicular movements and would be contrary to sustainable development principles.

Planning History

P/2016/0797: Outline application for the erection of up to 30 dwellings and construction of vehicular access.

Principal Planning Constraints

Flood Zone
Public Right of Way
Trunk Road
NewtownBypass Buffer

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 – Planning and the Welsh Language (2013)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation

UDP GP4 - Highway and Parking Requirements
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC15 – Development on Unstable or Contaminated Land
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV 1 - Agricultural Land
UDP ENV 2 - Safeguarding the Landscape
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV 7 - Protected Species
UDP ENV14 – Listed Buildings
UDP ENV16 – Landscapes, Parks and Gardens of Special Historic Interest
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP RL6 – Rights of Way and Access to the Countryside
UDP TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide

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.

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been

justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site lies adjacent to the settlement development boundary of Newtown (defined as an Area Centre within the UDP). Newtown benefits from a number of services such as supermarkets, banks, public houses, primary and secondary schools and a number of Industrial Estates. Newtown also benefits from good public transport networks which provides access to other areas within and adjoining Powys. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Appearance, Layout and Style

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 indicative site layout details a main access with cul-de-sacs, consistent with other residential developments in the surrounding area. To the rear of the site lies the Glandulas Drive Estate which benefits from a cul-de-sac arrangement. The scales of the proposed dwellings are considered to be in keeping with those in the surrounding area.

Consideration would also need to be given to the impact of the proposed development on the visual amenity of the area. The site, whilst lying in close proximity to the development boundary would have approximately a 60 metres gap along the frontage of the site from the closest development to the east of the site. To the west of the site lay agricultural land and the Glandulas static caravan park, however the Newtown Bypass construction works have commenced on the agricultural land and to the west of the site will be a roundabout, the new trunk road and a bridge. Officers consider that the site will be seen in the context of the wider Newtown area and will not be seen as sporadic development in the open countryside due to its proximity to the caravan site, bypass and industrial estate.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating thirty dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

As the application is accessed from the A489 Trunk Road the Welsh Government Highways Department were consulted on the application. Initial concerns were raised regarding the detail of the proposed access. Following the submission of amended plans and details Welsh Government Highways removed their holding objection subject to conditions securing the access and visibility being attached to any consent.

Consultation was also undertaken with the Powys County Council Highways department as once the bypass is complete this area of road will be de-trunked. Highways offered no objection to the proposed development subject to the securing of the footpath link along the front of the site which is proposed as part of the application. A condition will therefore be attached to any consent requiring the submission of details of this footpath prior to commencement of works on site.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movement. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and Technical Advice Note 18: Transport.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Heritage

Policy ENV14 of the Powys Unitary Development Plan (2010) states that proposals for development which unacceptably adversely affect a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting, account will be taken of the following: The desirability of preserving the listed building and its setting; the importance of the building, its intrinsic architectural and historic interest and rarity; the effect of the proposals on any particular features of the building; the buildings contribution to the local scene; the condition of the building and the need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design.

The proposed development is located approximately 20 metres to the north of the Grade II Listed Glandulais Farmhouse.

Following consultation with the Built Heritage Officer an objection was raised in relation to the impact the proposed development would have on the setting of the listed building. The objection states that the proposal by virtue of its size would effectively remove the farmland character from the setting of this large Regency Farmhouse. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy.

A Heritage Impact Assessment was submitted with the application and states that whilst the development would be located on the remaining field in front of the listed building this is part of an accumulation of change that has already been underway for some time. The Assessment concludes that the internal road system will be in sympathy with the status of the house and the design of its front entrance and this will help to alleviate any adverse impact.

Whilst the comments from the Built Heritage Officer are acknowledged and Officers consider that the proposed development will have some impact on the listed building, it is considered that this can be mitigated through the sensitive layout of the development, design and materials used in the dwellings and hard and soft landscaping. In order to ensure that the proposed development does not detract from the setting of the listed building conditions will be attached to any consent requiring the submission of landscaping details and materials.

It is also noted that the eastern field will not be developed and will be retained as open space. The listed building will still be viewed through this area and it will retain a separation in some views from the house between the existing and proposed developments on either side of the field as well as an uninterrupted vista between the listed building and the main road.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy ENV16 and ENV17 of the Powys UDP in respect of residential amenity.

Biodiversity

The application was accompanied by a Preliminary Ecological Assessment which involved a Phase 1 habitat survey of the site. Following consultation with both Natural Resources Wales (NRW) and Powys Ecology concerns were initially raised over the information provided with the application. Following the submission of additional information no objection was received in relation to biodiversity provided conditions were attached to any consent requiring the mitigation outlined within the report being secured, the submission of landscaping scheme, pollution prevention plan and lighting scheme.

Following consultation with the Powys Ecologist regarding any nearby Special Areas of Conservation, it was confirmed that the River Wye SAC was located over 7km away and it is unlikely that the proposed development would have a significant impact on the SAC due to the different river catchment involved and the distance and nature of the proposed works. It was also confirmed that a HRA would not be required.

In light of the above observations, Development Management considers the proposed development to be in accordance with the relevant policies of the Powys UDP in respect to biodiversity.

Sewerage

Policy DC10 (Mains Sewerage Treatment) requires that development are adequately served by the public foul sewerage system. Following consultation with Severn Trent Water no objection has been received.

The application is therefore considered to be in accordance with policy DC10 of the Powys UDP.

Flood Risk

The red outline of the proposed development abuts the C2 flood zone as defined by the Development Advice Maps (DAM). TAN 15 states that highly vulnerable development should not be permitted within a C2 flood zone.

The development site will be located wholly outside the C2 flood zone with the area in the flood zone identified within the same ownership as the development site.

Following comments from NRW raising concerns about the proximity of the development in relation to the C2 Flood Zone and Flood Consequences Assessment (FCA) was submitted for consideration. Further flood modelling was also undertaken and NRW considered the flood modelling to be sound and demonstrated a worst case scenario of a 1 in 1000 year event with an 80% blockage of the Railway Bridge. This demonstrated that the site continued to remain wholly outside the C2 flood zone and NRW confirmed that they had no objection to the proposed development on flood risk grounds.

In light of the above observations, Development Management considers the proposed development to be in accordance with the relevant policies of the Powys UDP and TAN15 in respect to flood risk.

Rights of Way

The application site is crossed by one public rights of way which leads through the eastern side of the site. Following consultation with the Powys Public Rights of Way department an objection was received on the basis that the proposal indicates no plan for the incorporation or legal diversion of these routes.

Whilst the concerns raised by Rights of Way are appreciated the current application is in outline with all matters reserved. The layout provided as part of the application is indicative and at Reserved Matters stage the applicant will need to produce a layout that incorporates that right of way.

Affordable Housing

Whilst UDP policy states that affordable housing provision should be 30-35%, latest evidence produced to support the Local Development Plan indicated that a 20% affordable housing provision in this area would be viable. In support of the application the developer has proposed 20% affordable housing which would be conditioned as part of any consent.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

With regards to the Development Management function, TAN 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Newtown has not been identified as one of the settlements under policy GP5.

The site lies adjacent to the Newtown and Llanllwchaiarn Community but within the Mochdre Community as such an assessment of both areas will be undertaken. Census data demonstrated the following;

- Census data from 2011 demonstrated an increase in Welsh speakers in the Mochdre community from 11.8% in 2001 to 13.3%.
- Census data from 2011 demonstrated an increase in Welsh speakers in the Newtown and Llanllwchaiarn community from 14.7% in 2001 to 14.9%.
- Both areas saw an increase in Welsh speakers in the 3-15 age group with Mochdre seeing a 10% increase and Newtown a 3.3% increase.

It is considered that the introduction of sixty dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Newtown and the Mochdre community and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

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

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

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 in accordance with the plans stamped as approved on xxxx (drawing no: SA22302/01/08, SA22302/01/09, SA22302/01/12, Flood Consequences Assessment, Planning Application Supporting Statement (including Design and Access Statement), Transport Statement, Heritage Impact Assessment and Ecological Assessment Report).

5. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

7. Prior to the commencement of development a phasing scheme for the provision of housing, affordable housing and the employment land shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

8. The affordable dwellings 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

9. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

10. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB) with the exception of any agreed Departures from Standard.

11. The junction and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (Drawing Number – SA22302/01/09 and SA22302/01/12).
12. The junction and visibility requirements shall be substantially complete and available for use prior to the occupation of any dwellings associated with the above development.
13. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
14. The applicant shall provide wheel-washing facilities at the construction site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site during the construction stage.
15. Prior to the commencement of development detailed engineering drawings of the proposed pedestrian footpath linking the development with the existing footway shall be submitted to and approved in writing. The footpath shall be complete prior to the occupation of any dwellings on site.
16. The recommendations identified in Sections 4.3 and 4.4 of the Ecological Assessment Report by Turnstone Ecology dated 6th October 2016, including measures for minimising impacts on species and habitats, as well as habitat creation, shall be adhered to and implemented in full.
17. Any hedgerow removal shall be undertaken under the supervision of an ecologist licensed to handle dormice, following a hand search by the ecologist for summer dormouse nests or hibernating dormice depending on the season.
18. Prior to commencement of development a Pollution Prevention Plan, with particular regard to site drainage and the close proximity of Mochdre Brook, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
19. Prior to the commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
20. 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.
21. 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.

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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).
7. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).
8. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
9. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
10. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport.
11. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport.
12. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport.
13. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport.
14. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport.
15. In order to maintain the safety and free flow of trunk road traffic in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport.
16. 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 Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
17. 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 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
18. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy

Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

19. 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, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

20. 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.

21. 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 the Environment (Wales) Act 2016.

Informative Notes

Trunk Road

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) The Applicant shall commission and pay for a Safety Audit of the scheme, (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/15. The Applicant shall agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works.

f) 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.

1. 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.

Biodiversity

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 0845 1300 228 or email enquiries@bats.org.uk

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Dormice - 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:

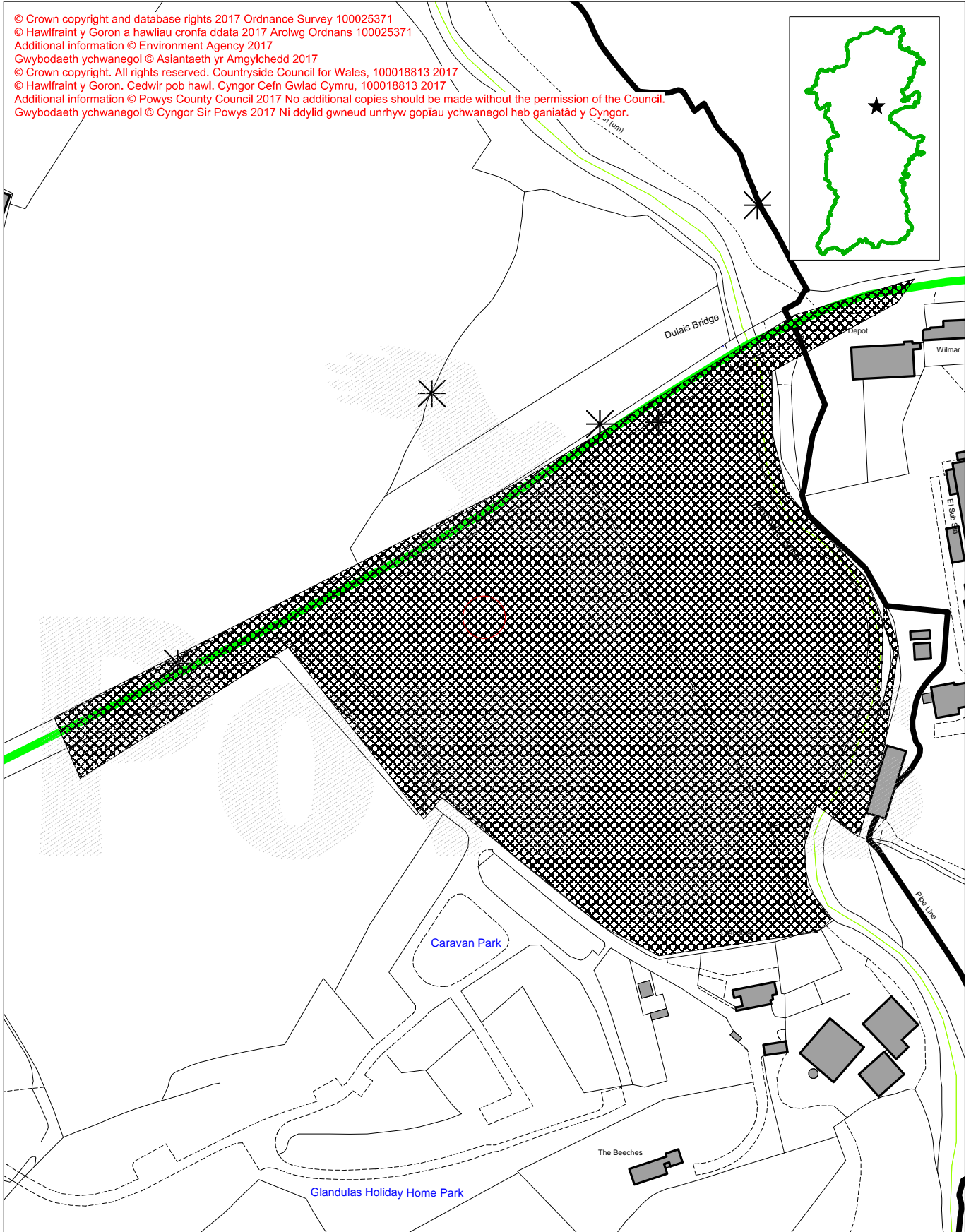
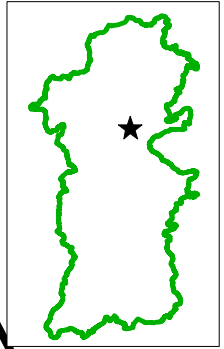
- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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

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

6.8

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0797	Grid Ref:	308602.37 290383.72
Community Council:	Mochdre	Valid Date:	Officer: 28/07/2016 Tamsin Law
Applicant:	Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury, SY2 6LG		
Location:	Land to the north of A489 west of Mochdre Brook, Newtown, Powys, SY16 4HZ		
Proposal:	Outline application for erection of up to 30 dwellings and construction of vehicular access		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The site subject to this application is located adjacent to the Newtown development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside.

The site is located on an irregular shaped parcel of land bound to the north by agricultural land, to the east by the Mochdre Brook, to the south by the A489 Trunk Road and to the east agricultural land.

Consent is sought in outline for the erection of up to 30 dwellings with a 20% affordable housing contribution. Open space will be provided for within the development. All matters apart from access have been reserved for future consideration.

Consultee Response

Mochdre CC

Application Ref: P/2016/0797

Grid Ref: 308602.37/290383.72 for Outline application for erection of up to 30 dwellings and construction of vehicular access at Land to the north of A489, west of Mochdre Brook, Newtown, Powys.

Following discussion the council was in full agreement that the above application should be rejected for the following reason:

1) The proposed development is not of a scale, form and design and general character to reflect the overall appearance of the settlement and surrounding area:

The proposed development falls within the small Community Council area of Mochdre with Penstrowed, mainly within the boundary of the settlement of Penstrowed. This is a relatively quiet agricultural area with a small number of farms and individual residential properties scattered within it. There is a Parish Church and there are some light commercial enterprises also. Thus the proposed 30 dwellings are not of a density consistent with other residential property in this area. The proposed development, which is not part of the LDP for the Community Council area, is substantial and will not be capable of being integrated into the settlement without unacceptably adversely affecting the scale, character and overall appearance of the area.

Thus the Council feels that the application should be rejected because it does not conform to Policy HP5 – Residential Developments.

The council was also in full agreement that the above application should be reviewed for the following reasons:

1) Affordable Housing:

On page 19 of the Design and Access Statement accompanying the application it states that the development will contribute to the provision of affordable housing in accordance with Policy HP7. It also anticipates that the more recent LDP will have a revised guide-line of 20% provision (reduced from the stated 30-35%) in this area of Powys which, if the development were to comprise of 30 dwellings, would result in 6 dwellings being affordable. However, the Composite Version LDP – Deposit with Focussed Changes, January 2016 which was submitted to the Planning Inspectorate by Richard Pitts on 20th May, 2016 (page 80 – copy enclosed) shows a revised guide-line of 30% provision for Central Powys. This means that if the development were to comprise of 30 dwellings, this should result in **9** dwellings being affordable.

2) Flood Risk:

The proposed development is in a flood risk area (very close to the Mochdre Brook) and comprises a large area of hardstanding in a variety of forms - roads, driveways, etc. The materials for these areas should be chosen carefully - they should be block paviors or equivalent to enable water to drain through where possible, rather than run off.

The Council trusts that you will take its observations into account when making your deliberations.

Powys Highways

Can you confirm that a new footway will be provided to the site from where the existing footway terminates along Llanidloes Road. It does mention this within the D&A Statement but cannot see any plans that detail this.

With regard to the internal layout then the parking would need to accord with the CSS All Wales Parking Guidelines and there appears to be many properties off a private drive. As a guide on internal estate roads we only accept three. However, I appreciate this is only an indicative layout.

Powys Building Control

Building Regulations approval will be required

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

Waste Water Comments

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals.

Powys Built Heritage

Thank you for consulting me on the above application.

I note the proposal is close to a number of designated heritage assets namely;

Glandulais Farmhouse grade II Cadw ID 15623 included on the statutory list on 16/05/1988,
Glanhafren Hall Gateway grade II Cadw ID 17328 included on the statutory list on 26/09/1996
Glanhafren Hall grade II Cadw ID 17327 included on the statutory list on 26/09/1996
Apple House at Glanhafren grade II Cadw ID 17329 included on the statutory list on 26/09/1996

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states "Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that is currently out for consultation, and whilst still out for consultation and not adopted, the advice on how to assess the setting of listed buildings may be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

<http://cadw.gov.wales/historicenvironment/policy/historicenvironmentbill/guidancedocuments/?lang=en>

This emerging document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The heritage assets have been identified as;

Glandulais Farmhouse grade II Cadw ID 15623 included on the statutory list on 16/05/1988,
Glanhafren Hall Gateway grade II Cadw ID 17328 included on the statutory list on 26/09/1996
Glanhafren Hall grade II Cadw ID 17327 included on the statutory list on 26/09/1996
Apple House at Glanhafren grade II Cadw ID 17329 included on the statutory list on 26/09/1996

Glandulais Farmhouse is listed as a prominently sited Regency farmhouse of special interest for the survival of its original interior plan form and detail. The listing describes it as a 2 storey house facing north with single storey extension to west and 2 storey extension to rear. I note the description of the house and its setting with in the accompanying Heritage Impact Assessment July 2016, Mercia heritage Series No 977.

Glanhafren Hall is a C17th house with a new front added in c1810 and is listed as a well preserved early C19th house in a prominent rural location. The three storey house faced south towards its gateway onto the A486. The Apple House is to the north of the principal house and is listed as an ornate and distinctive dovecote of the later C19th and for group value with Glanhafren Hall. The group of buildings is attractive and has a number of associated buildings appropriate for a building of its age and scale including a walled garden. I note the description of the house and its setting with in the accompanying Heritage Impact Assessment July 2016, Mercia heritage Series No 977.

Cadw draft document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

"•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

•Thinking about when the historic asset was first built and developed:

○ what were its physical, functional and visual relationships with other structures/historic assets and natural features? ○ what topographic features influenced its location? ○ what was its relationship to the surrounding landscape?

○ was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

•Thinking about changes since the historic asset was built:

○ has its function changed?

○ what changes have happened to the surrounding landscape? ○ have changes happened because of changes to the historic asset?

○ has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?

○ have historic and designed views to and from the historic asset changed?

•Thinking about the original layout of the historic asset and its relationship to its associated landscape:

○ were these relationships designed or accidental? ○ how did these relationships change over time?

○ how do these relationships appear in the current landscape; are they visual or buried features?

•Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

•views that were designed and developed to overlook the historic asset and its setting

•incidental views to and from the historic asset which contribute(d) to its significance

•important modern views to and from the historic asset

•important modern views over and across the historic asset.”

Glandulais was constructed on a prominent site overlooking farmland and with its principal and highly decorated rooms overlooking that farmland. This would suggest that it was constructed with the intention to be seen from the road and to view the land from the principal rooms of the house. The proposed site is on the northern side of the A489 and as such it is not considered that the proposal would have a significant adverse affect on the setting of Glandulais.

Glanhafren Hall Cadw is to the west of the development site and is also sited to the north of the A489. The house faces southwest towards the A489 and towards its listed gateway. The principal rooms would face away from the development site. The distance between the application site and the listed house is noted and it is not considered that the proposal would have a significant adverse affect on the setting of Glanhafren Hall. The Apple House at Glanhafren is not readily visible from the A489 as it is sited to the north of the house and to the west of the walled garden, and as such I could not conclude that the proposal would have a significant impact on the setting of the apple house at Glanhafren.

The proposal is closest to the listed gateway at Glanhafren, and will bring the urban character closer to this impressive cluster of listed buildings that has the trappings of a large country house, with its; gateposts, drive, former dovecote on the apple house and a walled garden. However given there is still a small portion of land between the application site and the cluster of buildings at Glanhafren, I would not conclude that the proposal would have a significant adverse impact on the setting of Glanhafren. However this is based on the assumption that if the proposal is approved it would not set a precedent for further development along the A489 and especially the portion of land between the application site and Glanhafren. If approved I would request that more landscaping/screening be implemented on the western and north western side of the proposed development to mitigate any impact on the setting of Glanhafren.

Whilst not objecting to the proposal in terms of the setting of listed buildings, I note that the site is outside the settlement boundary for Newtown and as such has a different character to sites within Newtown. The proposal would introduce a suburban character to the area that is very rural. At this significant gateway to Newtown this is of some concern, and would appear to be contrary to UDP Policy GP1 which states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

If the principle of development is considered acceptable, I would question whether a suburban layout as that indicated on the outline application is appropriate in this location and whether a more semi-rural form of development may be more appropriate. Whilst this may potentially be a smaller number of dwellings, it does not necessarily have to be a small number of detached dwellings, but it could be larger blocks of terraces replicating agricultural courtyards, which may still achieve a similar density, and would be a more obvious gateway to the town, and not just an extension of the suburban developments.

Powys Affordable Housing

I am happy to support the application as long as the following guidelines are adhered to;

- 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.
- All units will have to meet the floor areas specified in Powys County Councils Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

Powys Ecologist

1st Response

Ecological Topic	Observations
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EIA Screening Requirement	No	The site area is understood to be 1.95 hectares and includes 30 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Protected Species & Habitats¹	European Species <input checked="" type="checkbox"/>	<p>A Preliminary Ecological Appraisal report has been completed by Turnstone Ecology (July 2016) and generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009). The PEA involved a Phase 1 habitat survey, protected fauna survey and Habitat Suitability Assessment and a search of European Protected Species records held within 2km of the development site (although it is not clear if the local Biodiversity Information Service has been used). Bat activity surveys are being completed in July and August 2016.</p> <p>The site is considered to contain habitat suitable for the following EPS: bats (no roosting features directly affected but nearby, foraging/commuting habitat present), dormouse (boundary habitats), otter (no holts or resting sites, but spraints on Mochdre Brook and several historic records from the vicinity), great crested newt (limited to boundary hedgerows). Section 4.4 of the Ecology Report (Turnstone Ecology, July 2016) includes mitigation measures for bats, dormouse and otter. Great crested newt are not considered likely to be affected.</p>
	UK Species <input checked="" type="checkbox"/>	In addition to the species above, the site is considered to contain habitat suitable for the following nationally protected species: badgers (no setts observed, foraging habitat present), nesting birds (in surrounding hedgerows, scrub and trees) and reptiles (limited to surrounding habitats). Section 4.4 of the Ecology Report (Turnstone Ecology, July 2016) includes mitigation measures for badger, nesting birds and reptiles.
	Section 7 Species & Habitat <input checked="" type="checkbox"/>	<p>Hedgerows, woodland and scattered trees and watercourses have been recorded within and immediately adjacent to the development site. Of these habitats, short sections of hedgerow are required to be removed for access purposes. No other habitats are likely to be lost, but may be affected by disturbance and drainage.</p> <p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p>

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

		<p>Hedgerows, lowland mixed deciduous woodland and rivers/streams are listed on Section 7 of the Environment (Wales) Act 2016 as a habitat of principal importance for the conservation of biodiversity in Wales. Hedgerows and trees should therefore be retained if possible, but should any hedgerow or tree removal be required, replacement planting should be undertaken with native broad-leaved species of local provenance to ensure continued connectivity with surrounding habitats (see recommended conditions below). The proposals to replace hedgerows and plant trees, with an anticipated increase to these existing habitats, are welcomed. However, pollution prevention controls are required for the adjacent Mochdre Brook.</p> <p>The proposal to re-seed Field B with a lowland meadow mix (Section 4.3.2 of the Ecology Report, July 2016) is also welcomed as providing biodiversity enhancement. Lowland meadows are listed on Section 7 of the Environment (Wales) Act 2016 as a habitat of principal importance for the conservation of biodiversity in Wales.</p> <p>See previous comments regarding species. No reference to Section 7 species that may be present, such as hedgehog, brown hare or field mouse, is provided. There are BIS records for hedgehog within close proximity to the site.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See previous comments.
Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	None within 2km.
	National Sites (within 500m) ³ <input checked="" type="checkbox"/>	There are no nationally-protected sites within 500m of the proposals. The following SSSIs are located within 2km of the development site: Mochdre Dingle (1km south), Gweunydd penstrowed (1.6km north-west) and Penstrowed Quarry (1.8km north-west). None of these sites are considered likely to be affected by the proposals.
	Local Sites (within 500m) <input type="checkbox"/>	None within 2km.
Invasive Non-Native Species	No	

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

Cumulative Effect	Unknown / Unconfirmed	<p>The agreed route of the Newtown Bypass is adjacent to the development site location. The PEA report (Turnstone Ecology, July 2016) references the findings of the ES for that project for various protected species. However, the cumulative effect of the proposed development with the Newtown Bypass is not clear.</p>
	Summary of recommendations / further assessment or work	<p>The results of the bat activity surveys completed in July and August 2016 will need to be considered with regard to the potential impact of the development on bats that may currently be using the site. The Applicant should be made aware that these may result in the need for additional mitigation measures to be approved with the LPA as Reserved Matters.</p> <p>Reference is made to the collation of European Protected Species records from within 2km of the site, but that these are not available in Wales. The consultant should be reminded that historic biodiversity records are available in Powys via the Biodiversity Information Service.</p> <p>Since the proposals are located adjacent to the Newtown Bypass, I recommend that any potential cumulative ecological effects between the two proposals are considered and assessed, if relevant, including synergy of the proposed mitigation/enhancement measures of the two projects. The Applicant should be made aware that this may result in the need for additional mitigation measures to be approved with the LPA as Reserved Matters.</p> <p>It would seem likely that the creation of the new access points would require the removal of sections of hedgerow. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.</p> <p>Apart from nesting birds, bats, otter and water vole, no reference to other Section 7 species that may be present, such as hedgehog, brown hare or polecat, is provided in the PEA report (Turnstone Ecology, July 2016). There are historic records for hedgehog within close proximity to the site. I recommend that Section 7 species that may be present at the site are considered within the Biodiversity Enhancement Plan (see Condition 2).</p>
	Recommended Conditions	<p>Subject to receipt of the further information above, should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>1) The recommendations and mitigation regarding habitats, limited public access to Mochdre Brook, badger, bats, dormouse, otter, birds and reptiles identified in Section 4 of the Ecological Report by Turnstone Ecology dated July 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3,</p>

	<p>ENV2 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 Environment (Wales) Act 2016.</p> <p><i>2) Prior to commencement of development, a detailed Biodiversity Enhancement Plan (including consideration of Section 7 species and the proposals for tree and hedgerow planting and lowland meadow seeding), shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p><i>3) Prior to commencement of development a Pollution Prevention Plan, with particular regard to site drainage and the close proximity of Mochdre Brook, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies ENV3, ENV4, ENV5 and ENV6 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 Environment (Wales) Act 2016.</p> <p><i>4) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p><i>5) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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.</p>
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6) Prior to commencement of development, a Species List for the Landscape Planting 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 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 Environment (Wales) Act 2016.

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.
- 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 0845 1300 228 or email enquiries@bats.org.uk

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Dormice - 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:

	<ul style="list-style-type: none"> • Intentionally kill, injure or take any dormice. • Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection. • Under the Habitats Regulations it is an offence to: Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species</p>
Comments on Additional Information	N/A

2nd Response

Ecological Topic		Observations
EIA Screening Requirement	No	Powys County Council have confirmed (28/07/16) that a Screening Opinion for Environmental Impact Assessment will not be required.
Protected Species & Habitats⁴	European Species <input checked="" type="checkbox"/>	A Preliminary Ecological Assessment report was completed by Turnstone Ecology (July, 2016) and was updated in October 2016 with additional information. These observations are based on the October 2016 PEA and the additional information provided therein. The PEA generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009). The PEA involved a Phase 1 habitat survey, protected fauna survey, Habitat Suitability Assessment and a search of European Protected Species records held within 2km of the development site (although not via the local Biodiversity Information Service). Bat activity surveys have been completed in July, August and September 2016.

⁴ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>The site is considered to contain habitat suitable for the following EPS: bats (no roosting features directly affected but present nearby, foraging/commuting habitat present), dormouse (boundary and surrounding habitats), otter (no holts or resting sites, but spraints on Mochdre Brook and several historic records from the vicinity), great crested newt (limited to boundary hedgerows). Section 4.4 of the PEA (Turnstone Ecology, October 2016) includes mitigation measures for bats, dormouse and otter. Great crested newt are not considered likely to be affected.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>In addition to the species above, the site is considered to contain habitat suitable for the following nationally protected species: badgers (no setts observed, foraging habitat present), nesting birds (in surrounding hedgerows, scrub and trees) and reptiles (limited to boundary and surrounding habitats). Section 4.4 of the PEA (Turnstone Ecology, October 2016) includes mitigation measures for badger, nesting birds and reptiles.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>In addition to the species discussed above, the BIS data includes nearby records of white-letter hairstreak, hedgehog, house sparrow and starling, all listed as species of principal importance for the conservation of biodiversity in Wales under Section 7 of the Environment (Wales) Act 2016. Lowland mixed deciduous woodland, hedgerows and rivers are listed as habitats of principal importance for the conservation of biodiversity in Wales under Section 7 of the same Act.</p> <p>The mitigation required for other protected species described above and retention of all mature trees and the majority of the hedgerows present at the site (other than a small section removed for access), along with pollution prevention measures in relation to the Mochdre Brook, would ensure that any impacts on these species and habitats is minimal.</p> <p>The additional planting proposed and seeding and management of Field B to create lowland meadow habitat, also listed on Section 7, (as described in the Ecological Assessment by Turnstone Ecology, July 2016) would also help to maintain and enhance the biodiversity present at the site, in accordance with the Environment (Wales) Act 2016.</p>
	<p>LBAP Species & Habitat <input checked="" type="checkbox"/></p>	<p>See previous comments.</p>

Protected Sites	International Sites (within 2km) ⁵ <input type="checkbox"/>	The River Wye SAC is located approximately 7.3km to the south. Although otter is a highly mobile feature of this SAC, and otters could be slightly affected by the proposed works due to potential disturbance during construction and also potentially by lighting during construction and operation, it is very unlikely that the proposed development would have a significant impact on the SAC due to the different river catchment involved and the distance and nature of the proposed works. Therefore a Habitats Regulations Assessment will not be required.
	National Sites (within 500m) ⁶ <input checked="" type="checkbox"/>	There are no nationally-protected sites within 500m of the proposals. The following SSSIs are located within 2km of the development site: Mochdre Dingle (1km south), Gweunydd penstrowed (1.6km north-west) and Penstrowed Quarry (1.8km north-west). None of these sites are considered likely to be affected by the proposals.
	Local Sites (within 500m) <input type="checkbox"/>	None within 2km.
Invasive Non-Native Species	Yes	Himalayan Balsam is present along the Mochdre Brook (Turnstone Ecology, October 2016). A recommendation within the ecology report to include its removal as part of the proposed habitat enhancement along the Mochdre Brook is welcomed.
Cumulative Effect	No	The agreed route of the Newtown Bypass is adjacent to the development site location. The PEA report (Turnstone Ecology, October 2016) references the findings of the ES for that project for various protected species. Significant cumulative impacts are not considered likely since the habitats along the Mochdre Brook will not be affected, and there are potential opportunities for improved movement of mammals across the adjacent A489 if it carries less traffic in future.
Summary of recommendations / further assessment or work		<p>It would seem likely that the creation of the new access points would require the removal of sections of hedgerow. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.</p> <p>In addition, it is considered that a precautionary approach should be taken in relation to potential impacts on dormice and any hedgerow removal should be undertaken under an ecological watching brief by an ecologist licensed to handle dormice. This should include a hand search for dormouse summer nests / hibernating dormice immediately prior to the hedgerow removal, according to guidance provided in the Dormouse Conservation Handbook (Natural England, 2006). It is recommended that wych elm or English elm is included in the species mix for the proposed planting at the site, as the foodplant of the white-letter hairstreak, recorded nearby.</p>

⁵ Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

⁶ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

Recommended Conditions	<p>Subject to receipt of the further information above, should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>1) The recommendations and mitigation regarding habitats, limited public access to Mochdre Brook, badger, bats, dormouse, otter, birds, reptiles and UKBAP species identified in Section 4 of the Ecological Report by Turnstone Ecology dated October 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> 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 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>2) Any hedgerow removal shall be undertaken under the supervision of an ecologist licensed to handle dormice, following a hand search by the ecologist for summer dormouse nests or hibernating dormice depending on the season.</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 Environment (Wales) Act 2016.</p> <p><i>3) Prior to commencement of development, a detailed Biodiversity Enhancement Plan (including consideration of Section 7 species and the proposals for tree and hedgerow planting and lowland meadow seeding), shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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 Environment (Wales) Act 2016.</p> <p><i>4) Prior to commencement of development a Pollution Prevention Plan, with particular regard to site drainage and the close proximity of Mochdre Brook, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies ENV3, ENV4, ENV5 and ENV6 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 Environment (Wales) Act 2016.</p>
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5) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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 Environment (Wales) Act 2016.

6) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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 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.

7) Prior to commencement of development, a Species List for the Landscape Planting 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 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 Environment (Wales) Act 2016.

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.
- 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 0845 1300 228 or email enquiries@bats.org.uk

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure

	<p>minimal impact to otter activity in the local area. These will include:</p> <ul style="list-style-type: none"> • No night working or lighting of the works area; • Ensuring that no barriers to movement of otters along the river are created; • Keep unnecessary noise to a minimum during the works; and • Do not light any fires close to areas of vegetation. <p>Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any dormice. • Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection. • Under the Habitats Regulations it is an offence to: Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>Additional information has been submitted with this application in the form of an updated Preliminary Ecological Appraisal (Turnstone Ecology, October 2016). The additional information that was requested previously has been addressed as follows:</p> <ul style="list-style-type: none"> • The results of bat activity surveys completed in July, August and September 2016 have been considered with regard to the potential impact of the development on bats that may currently be using the site. As a result of confirmed bat activity a lighting plan is proposed, which will reflect the Bat Conservation Trust bats and Lighting in the UK guidance (2009). • Species-specific historic records are referred to in the species accounts where relevant. • Section 7 species (such as Brown Hare, European Hedgehog and Polecat) have been considered as UKBAP species and habitat enhancements are expected to benefit these too. • Significant cumulative effects with the Newtown bypass are not considered likely.

Powys Land Drainage

No response received by Development Management at the time of writing this report.

Newtown Town Council

Council supports the application but considers the development likely to have a substantial impact on Newtown so would like to see plans to improve access to facilities, services and infrastructure in Newtown and Llanllwchaiarn. In addition the town council requests that play and recreation facilities are provided on the development itself.

NRW

1st Response

Thank you for referring the above consultation received by us on 31st July 2016. We understand that the proposal falls outside of the current development boundary of Newtown.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirement & Conditions

Requirement 1 – Submission of an adequate site specific Flood Consequence Assessment in support of this application utilizing the best available information available and with level of flood risk posed to the site quantified in terms of flood depths and associated hazards.

Condition 1 – Mitigation described in *section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse 4.4.5 Otter of Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited* - should be implemented and included in the detailed design

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Flood Risk

The planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Mochdre Brook.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding this policy advice, the decision as to whether a development is justified is entirely a matter for your authority. For this reason, we have reviewed the flood consequences assessment (FCA) (Compiled by Hafren Water, dated July 2016, Ref 2158/FCA) submitted in support of the application, to enable us to provide you with technical

advice on the acceptability of flooding consequences in terms of risks to people and property. Our advice to you is that the FCA is inadequate relative to the scale and nature of the proposed and does not allow us to make an informed response to you in relation to TAN15 criteria. The deficiencies in the FCA are;

The Stage 2 Strategic Flood Consequences Assessment considered a nearby site in detail. Halcrow produced detailed hazard and flood extent maps for this reach of the Mochdre Brook.

The site specific FCA has made reference to the SFCA Stage 2 work but has not interrogated the model data, or followed pre-application advice given by NRW. Halcrow were specifically commissioned to consider promoted sites and perceived risks. Any site specific FCA should consider the findings of any SFCA work and take advantage of the detailed modelling that Halcrow carried out. Whilst the hydrology and survey data may require updating, it is still considered best information available and should form the basis of any FCA in terms of assessment of level of risk, hazard and possible mitigation.

We would also expect anecdotal flooding information to have been sourced from all available records, landowner, nearby residents, Powys County Council and online records.

All surface water drainage proposals will need consideration by the Lead Local Flood Authority.

In summary, the site specific FCA submitted in support of this application is inadequate as it has not used best information available nor has it quantified the level of flood risk posed to the site in terms of flood depths and associated hazards.

We advise that the FCA sources the SFCA information from Powys County Council and interrogates that data in relation to TAN15 requirements.

Dave Tarrant in our Flood Mapping & Data Management team is willing to advise the consultants, Hafren Water on interrogation of data. However, it would be the consultant's responsibility to source the model information, assess its suitability and propose any amendments it considers appropriate relative to the scale and nature of the proposed.

European Protected Species

The application is supported by an ecological survey. (Reference Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited. Unpublished.

We consider the ecological submission to be appropriate and proportionate for the purposes of informing the planning decision making process and we concur with the submitted conclusions and mitigation in section 4.3.2.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species. The proposal is not likely to affect any fully protected British protected species. Therefore we have no objection regarding species to the submitted proposals. We advise that the following conditions are attached to any planning consent:

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse 4.4.5 Otter of Wilson, S. (2016). Land off A489, Newtown. Turnstone Ecology Limited - should be implemented and included in the detailed design

Reason: To mitigate adverse effects on protected species and enhance natural habitats.

Pollution Prevention

The Mochdre brook flows along the eastern boundary of the proposal site. The pollution prevention guidelines have been withdrawn from the English Environment Agency website although they are still applicable in Wales and can be found on the netregs website at the following link

<http://www.netregs.org.uk/pdf/PPG%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Reason: To protect the water environment from potential pollution during the construction phase.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All surface water must be discharged via an interceptor. If any dewatering is to occur NRW must be notified first as a permit may be required. Any excavation water must be free of contaminants (e.g., fuels/oils etc). If concrete wash water is to be discharged this may require treatment before discharge and may require a permit.

Any waste material stored, used or disposed of must be done so in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 0800 80 70 60.

Foul Drainage

The means of foul drainage is not stated in the information submitted with the planning application. For a housing development of this size we strongly recommend that it is

connected to the main sewer network of Newtown. Any private waste water treatment plant would require a permit from NRW and elsewhere we have refused such permits in areas served by mains sewer networks.

When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

2nd Response

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 06/12/2016.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Summary of Requirements:

Requirement 1 – Updated and resubmitted FCA which sources SFCA information from Powys CC and interrogates that data in relation to TAN15 requirements

Flood Risk

The planning application proposes a highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Mochdre Brook.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding this policy advice, the decision as to whether a development is justified is a matter for your authority. For this reason, we have reviewed the flood consequences assessment (FCA) (Compiled by Hafren Water, dated July 2016, Ref 2158/FCA) submitted in

support of the application, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property. Our advice to you is that the FCA is inadequate relative to the scale and nature of the proposed and does not allow us to make an informed response to you in relation to TAN15 criteria. The deficiencies in the FCA are;

The Stage 2 Strategic Flood Consequences Assessment considered a nearby site in detail. Halcrow produced detailed hazard and flood extent maps for this reach of the Mochdre Brook.

The site specific FCA has made reference to the SFCA Stage 2 work but has not interrogated the model data, in spite of NRW giving pre-application advice. Halcrow were specifically commissioned to consider promoted sites and perceived risks. It is a fundamental requirement that any site specific FCA should consider the findings of any SFCA work and take advantage of the detailed modelling that Halcrow carried out. Whilst the hydrology and survey data may require updating, it is still considered best information available and should form the basis of any FCA in terms of assessment of level of risk, hazard and possible mitigation.

We would also expect anecdotal flooding information to have been sourced from all available records, landowner, nearby residents, Powys CC and online records. All surface water drainage proposals will need consideration by the Lead Local Flood Authority.

In summary, the site specific FCA submitted in support of this application is inadequate as it has not used best information available nor has it quantified the level of flood risk posed to the site in terms of flood depths and associated hazards.

Requirement 1 – Updated and resubmitted FCA which sources SFCA information from Powys CC and interrogates that data in relation to TAN15 requirements
Should you require further assistance Dave Tarrant in our Flood Mapping & Data Management team (03000 65 3137) can explain the means of interrogation to Hafren Water. It is, however, Hafren Water's responsibility to source the model information, assess its suitability and propose any amendments it considers appropriate relative to the scale and nature of the proposed.'

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

3rd Response

Thank you for referring the additional information submitted in support of these proposals, which we received from the developer on 13/06/2017. Further to our previous letters submitted in response these proposals (referenced CAS-21928-T1J0 and CAS-21931-V6H6 dated 26/08/2016), we have the following comments to provide.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permissions if you attach the conditions listed below. We would object if the consent does not include these conditions.

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse and 4.4.5 Otter of Wilson, S (2016) – Land off A489, Newtown, Turnstone Ecology Limited – should be implemented and included in the detailed design.

Condition 2 – The submission and implementation of a Pollution Prevention Plan

European Protected Species

The applications are supported by an ecological survey (Wilson, S 2016) 'Land off A489, Newtown – Turnstone Ecology Limited.

We consider the ecological submission to be appropriate and proportionate for the purposes of informing the planning decision making process and we concur with the submitted conclusions and mitigation in section 4.3.2.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species. The proposals are not likely to affect any fully protected British protected species.

Condition 1 – Mitigation described in section 4.3.2 Habitats, 4.4.2 Badger, 4.4.3 Bats, 4.4.4 Dormouse and 4.4.5 Otter of Wilson, S (2016) – Land off A489, Newtown, Turnstone Ecology Limited – should be implemented and included in the detailed design.

We have no objection to the proposals on the grounds of protected species, provided a condition is imposed on the planning consents requiring the implementation of the mitigation measures as detailed in the ecological report.

Reason: To mitigate adverse effects on protected species and enhance natural habitats.

Pollution Prevention

The Mochdre brook flows along the eastern boundary of the proposal site. Care must be taken to ensure the environment is not polluted during the course of the works. The following pollution prevention measures should be adhered to, and set out in a method statement to the satisfaction of the Local Planning Authority.

Condition 2 – The submission and implementation of a Pollution Prevention Plan

Reason: To protect the water environment from potential pollution during the construction phase.

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Although this document is withdrawn, the advice it provides is still relevant.

The Preliminary Ecological Assessment submitted in support of the proposal suggests some pollution prevention measures under section 5.3.2 'Mitigation', which should be included in the Pollution Prevention Plan.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All surface water must be discharged via an interceptor. If any dewatering is to occur NRW must be notified first as a permit may be required. Any excavation water must be free of contaminants (e.g. fuels/oils etc). If concrete wash water is to be discharged this may require treatment before discharge and may require a permit.

Any waste material stored, used or disposed of must be done in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity of an exemption permit for any material imported to and exported from site.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank. All filling points, gauges, vents and sight glasses must be located. Should any pollution occur, Natural Resources Wales must be notified immediately on our incident hotline which is 03000 65 3000.

External Lighting

Care should be taken in the type and location of any external lighting within the new development, to ensure that the river, hedgerows and trees identified on site are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Flood Risk

The planning application for the northern site proposes a highly vulnerable development in the vicinity of zone C2 of the Development Advice Map (DAM) referred to by TAN15 Development and Flood Risk (July 2004).

The proposal was initially submitted with a site plan which indicated that the red line boundary of the proposal was in the C2 flood zone.

Additional flood modelling work has now been undertaken by the applicant's consultants, in support of the proposal for the northern site. The modelling work has been reviewed by NRW and a summary of our conclusions is listed below:

1. The Powys SFCA model for the Mochdre brook was supplied to the consultant as a starting point for the modelling works. Additional blockage scenarios for the Railway bridge and Dulais bridge were successfully applied to the model and re-run. The model was run for the 1 in 100+25 and 1 in 1000 year events.
2. The model was reviewed and no issues were found with the model construction.
3. The model is considered fit for purpose to support the development and has been incorporated into the SE Wales model manager.

4. The 1 in 1000 year event with 80% blockage on the Railway Bridge provides the worst case scenario for the inundation extent adjacent to the northern site. The red line boundary should be redrawn to reflect this. The red line boundary for the southern site is not affected by any modelled event or scenario.

5. Following the improved modelling works, there is no need on this occasion to challenge the flood map, as there is little/no change in inundation extent from the updated outputs.

For information, this site is affected by the updated DAM in March 2017 and is now partially located in Zone B.

The developer has re-submitted a site plan (Proposed Block Plan showing Position of Access and Indicative Layout, Berrys, Drawing number SA22302/01/07, July 2016) which was received by NRW on 13/06/2017. This plan has been resubmitted to us by your Local Authority on 11/07/2017.

Provided that this updated plan is formally submitted as part of the planning application, we can confirm that the plan now indicates that the proposed dwellings will be built outside of the predicted flood zone. This is confirmed by the modelling work.

With respect to the southern site, the plan indicates that built development will be outside of the flood plain area, therefore we would have no objection on flood risk grounds.

At detailed design stage, we would wish to be re-consulted to ensure that the watercourse corridor is maintained.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport

1st Response

I refer to your consultation of 1 August 2016 regarding the above application and advise that the Welsh Government as highway authority for the A489 trunk road directs that permission be withheld until further notice due to;

1. Welsh Government Transport Division are in discussions to establish the timescale for de-trunking this section of the trunk road, which will determine the standards to be applied.

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

2nd Response

I refer to your consultation of 23 November 2016 regarding the above application and advise that the Welsh Government as highway authority for the A489 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A489 trunk road, so that compliance to the Design Manual for Roads and Bridges (DMRB) can be assessed. The drawing must contain details of the following:-

- a) Visibility Splays in either direction, both horizontally and vertically, along the A489 from a suitable set-back on the access road to the proposed development.
- b) Gradient of the access road to the proposed development and the A489 trunk road carriageway in both directions
- c) Access road width and radii dimensions
- d) Access surfacing type along with depth and width dimensions.

2. The applicant must provide detail of proposed Active Travel compliant infrastructure along the existing Trunk Road to join the existing and soon to be enhanced infrastructure.

3. The applicant must provide details of public transport provisions on both sides of the road to include bus stops and shelters to comply with the requirements of the Local Highway Authority

Powys Ramblers

There are rights of way close to the proposed development but on the other side of the A489. In the event of permission being granted can the applicant please be made aware of the necessity of making sure that the nearby footpaths are not obstructed during any works and that they remain fully available for public use during and after any works, Can this be included as an informative in any decision letter please.

Powys Outdoor Recreation

Outdoor Recreation Services would ask for a Section 106 contribution. Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the Town Council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Service's usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.

All private housing up to three bedrooms is £ 1000.00 per property.

All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

If you have any further questions please do not hesitate to contact me.

Cadw

Thank you for your e-mail of 1 August 2016 inviting our comments on the planning application for the proposed development as described above.

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Having carefully considered the information provided with the planning application, we consider that the proposed development will have no impact on any designated historic assets. We therefore have no comments to make on the proposed development.

Representations

The application has been advertised through the erection of a site notice and press advertisement. One objection has been received and is summarised below;

- The site lies outside the settlement boundary and would constitute development in the open countryside.
- The site has not been allocated in the current UDP or promoted as a candidate site in the emerging LDP.
- The site is remote from facilities and would promote additional vehicular movements and would be contrary to sustainable development principles.

Planning History

P/2016/0796 – Outline application for the erection of up to 60 dwellings and construction of vehicular access.

Principal Planning Constraints

Flood Zone
Public Right of Way
Trunk Road
NewtownBypass Buffer

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 – Planning and the Welsh Language (2013)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC15 – Development on Unstable or Contaminated Land
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV 1 - Agricultural Land
UDP ENV 2 - Safeguarding the Landscape
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV 7 - Protected Species
UDP ENV14 – Listed Buildings
UDP ENV16 – Landscapes, Parks and Gardens of Special Historic Interest
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP RL6 – Rights of Way and Access to the Countryside
UDP TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide

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.

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site lies adjacent to the settlement development boundary of Newtown (defined as an Area Centre within the UDP). Newtown benefits from a number of services such as supermarkets, banks, public houses, primary and secondary schools and a number of Industrial Estates. Newtown also benefits from good public transport networks which provides access to other areas within and adjoining Powys. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Appearance, Layout and Style

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 indicative site layout details a cul-de-sac layout with a street front development on the southern edge of the site, consistent with other residential developments in the surrounding area. To the north east of the site lies the Clos Glandwr and Heol Vaynor which benefits from a cul-de-sac arrangement. The scales of the proposed dwellings are considered to be in keeping with those in the surrounding area.

Consideration would also need to be given to the impact of the proposed development on the visual amenity of the area. The site, whilst lying in close proximity to the development boundary could appear isolated from the settlement of Newtown. To the east of the site lies an area of public open space and to the north and west an area of agricultural land. However the Newtown Bypass construction works have commenced to the south west of the site, and in this location will be a roundabout, the new trunk road and a bridge. Officers consider that

the site will be seen in the context of the wider Newtown area and will not be seen as sporadic development in the open countryside due to its proximity to the caravan site, bypass and College, located the other side of the open space.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating thirty dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

As the application is accessed from the A489 Trunk Road the Welsh Government Highways Department were consulted on the application. Initial concerns were raised regarding the detail of the proposed access. Following the submission of amended plans and details Welsh Government Highways were reconsulted. Final comments will be provided in the update report.

Consultation was also undertaken with the Powys County Council Highways department as once the bypass is complete this area of road will be de-trunked. Highways offered no objection to the proposed development and accepted that the internal layout was for indicative purposes at this stage.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Heritage

Policy ENV14 of the Powys Unitary Development Plan (2010) states that proposals for development which unacceptably adversely affect a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting, account will be taken of the following: The desirability of preserving the listed building and its setting; the importance of the building, its intrinsic architectural and historic interest and rarity; the effect of the proposals on any particular features of the building; the buildings contribution

to the local scene; the condition of the building and the need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design.

The proposed development is located to the east of a number of listed buildings, Glanhafren Hall Gateway, Glanhafren Hall and Apple House at Glanhafren.

Following consultation with the Built Heritage Officer no objection has been raised in relation to the impact of the proposed development on the setting of the Listed Buildings.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy ENV16 and ENV17 of the Powys UDP in respect of residential amenity.

Biodiversity

The application was accompanied by a Preliminary Ecological Assessment which involved a Phase 1 habitat survey of the site. Following consultation with both Natural Resources Wales (NRW) and Powys Ecology concerns were initially raised over the information provided with the application. Following the submission of additional information no objection was received in relation to biodiversity provided conditions were attached to any consent requiring the mitigation outlined within the report being secured, the submission of landscaping scheme, pollution prevention plan and lighting scheme.

Following consultation with the Powys Ecologist regarding any nearby Special Areas of Conservation, it was confirmed that the River Wye SAC was located over 7km away and it is unlikely that the proposed development would have a significant impact on the SAC due to the different river catchment involved and the distance and nature of the proposed works. It was also confirmed that a HRA would not be required.

In light of the above observations, Development Management considers the proposed development to be in accordance with the relevant policies of the Powys UDP in respect to biodiversity.

Sewerage

Policy DC10 (Mains Sewerage Treatment) requires that development are adequately served by the public foul sewerage system. Following consultation with Severn Trent Water no objection has been received.

The application is therefore considered to be in accordance with policy DC10 of the Powys UDP.

Flood Risk

The red outline of the proposed development abuts the C2 flood zone as defined by the Development Advice Maps (DAM). TAN 15 states that highly vulnerable development should not be permitted within a C2 flood zone.

The development site will be located wholly outside the C2 flood zone with the area in the flood zone identified within the same ownership as the development site.

Following comments from NRW raising concerns about the proximity of the development in relation to the C2 Flood Zone and Flood Consequences Assessment (FCA) was submitted for consideration. Further flood modelling was also undertaken and NRW considered the flood modelling to be sound and demonstrated a worst case scenario of a 1 in 1000 year event with an 80% blockage of the Railway Bridge. This demonstrated that in the worst case scenario event the flood zone would slightly extend in to the site. Following recommendations from NRW the red line boundary was amended removing this area from the development site and NRW are satisfied that the site is located wholly outside any flood zone.

In light of the above observations, Development Management considers the proposed development to be in accordance with the relevant policies of the Powys UDP and TAN15 in respect to flood risk.

Affordable Housing

Whilst UDP policy states that affordable housing provision should be 30-35%, latest evidence produced to support the Local Development Plan indicated that a 20% affordable housing provision in this area would be viable. In support of the application the developer has proposed 20% affordable housing which would be conditioned as part of any consent.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reserve this trend.

With regards to the Development Management function, TAN 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Newtown has not been identified as one of the settlements under policy GP5.

The site lies adjacent to the Newtown and Llanllwchaiarn Community but within the Mochdre Community as such an assessment of both areas will be undertaken. Census data demonstrated the following;

- Census data from 2011 demonstrated an increase in Welsh speakers in the Mochdre community from 11.8% in 2001 to 13.3%.
- Census data from 2011 demonstrated an increase in Welsh speakers in the Newtown and Llanllwchaiarn community from 14.7% in 2001 to 14.9%.
- Both areas saw an increase in Welsh speakers in the 3-15 age group with Mochdre seeing a 10% increase and Newtown a 3.3% increase.

It is considered that the introduction of sixty dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Newtown and the Mochdre community and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

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

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

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 in accordance with the plans stamped as approved on xxxx (drawing no: SA22302/01/07, Flood Consequences Assessment, Planning Application Supporting Statement (including Design and Access Statement), Transport Statement and Ecological Assessment Report).
5. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

7. Prior to the commencement of development a phasing scheme for the provision of housing, affordable housing and the employment land shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

8. The affordable dwellings 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

9. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

10. The recommendations and mitigation regarding habitats, limited public access to Mochdre Brook, badger, bats, dormouse, otter, birds, reptiles and UKBAP species identified in Section 4 of the Ecological Report by Turnstone Ecology dated October 2016 shall be adhered to and implemented in full.

11. Any hedgerow removal shall be undertaken under the supervision of an ecologist licensed to handle dormice, following a hand search by the ecologist for summer dormouse nests or hibernating dormice depending on the season.

12. Prior to commencement of development a Pollution Prevention Plan, with particular regard to site drainage and the close proximity of Mochdre Brook, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. Prior to the commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

14. 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.

15. 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.

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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).
7. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).
8. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
9. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
10. 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 Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
11. 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 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
12. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
13. 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, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
14. 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.
15. 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 the Environment (Wales) Act 2016.

Informative Notes

Biodiversity

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 0845 1300 228 or email enquiries@bats.org.uk

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Dormice - 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:

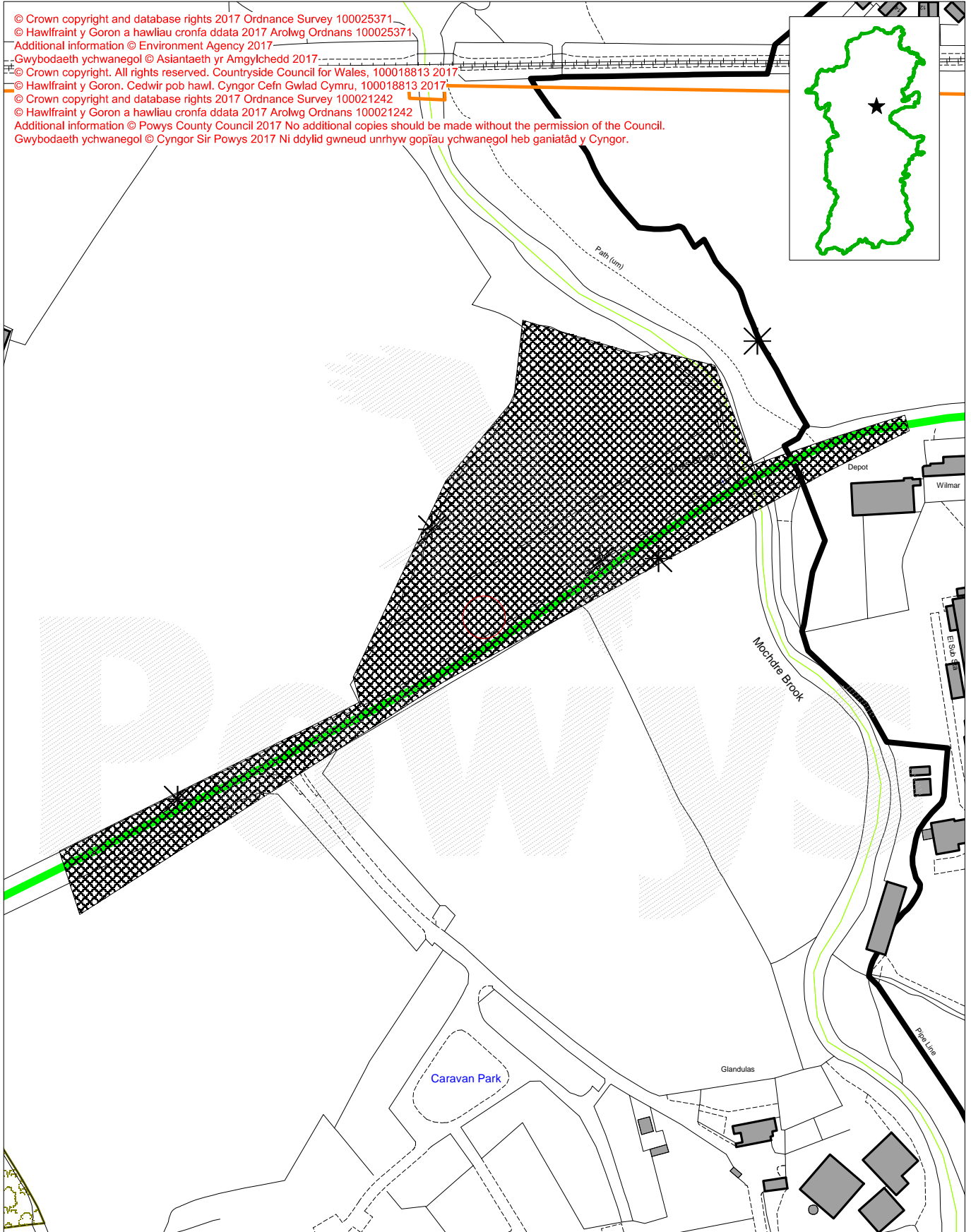
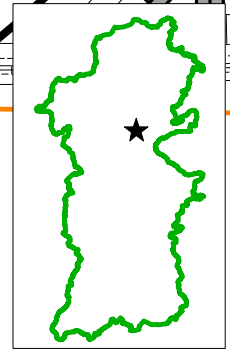
- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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

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

The applicant needs to be aware of this procedure as a private road has been indicated and an adoptable road will be required. An adoptable road may require that a new road layout is submitted in order to comply with the geometry that is required.

Please apply the following conditions:-

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 9 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 9 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 9 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas 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 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 9 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.

HC9 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom (maximum 3) excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

HC11 Within 5 days from 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 0.45 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.

HC21 Prior to the occupation of any 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 9 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,

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC31 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.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

REASONS FOR RECOMMENDATIONS OR REFUSAL

RR1 In the interests of highway safety.

RR2 To ensure that adequate provision is made for highway access onto the County Class road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Powys Building Control

Correspondence received 14th November 2016

Building Regulations application required.

Wales & West Utilities

Correspondence received 15th November 2016

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

Correspondence received 22nd November 2016

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

Powys Rights of Way

Correspondence received 24th November 2016

Countryside Services recommends that the application be refused as it affects Public footpath 2 Forden, as shown on the attached plan.

I write to confirm that the path would be severely obstructed by the proposal, and as such it is our duty to point out that it is a criminal offence to obstruct, or to interfere with a public right of way without lawful authority or excuse.

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

The Definitive Map is held in the Countryside Services Offices at the Gwalia, Llandrindod Wells, and can be viewed by appointment.

If redesigning the layout of the development is not a possible option, the applicant will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £1,000. Success of a Public Path Order cannot be guaranteed and the Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at:

http://pstatic.powys.gov.uk/fileadmin/Docs/Countryside/Developers_Guide_en_02.pdf

For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

Powys Ramblers

Correspondence received 22nd November 2016

Thank you for the opportunity to comment on this application.

The design and access statement appears to be silent on the existence of the rights of way which would run along the back of the gardens of the proposed new houses. The location plan identifies one right of way but not the one which runs along the edge of existing gardens. The proposed block plan does not show the right of way and this is an important omission. Can the applicant please be made aware that they need to take account of this right of way in development of their plans. In the meantime we cannot support this application until the applicant has explicitly acknowledged this right of way and made appropriate plans to protect its continued unimpaired use during and after any development takes place. We would, of course, be happy to provide any further comments when the applicant has submitted further details about how the right of way will be protected.

Powys Land Drainage

Correspondence received 6th February 2017

Thank you for consulting the LLFA.

In response, the LLFA would make the following observations/comments/recommendation.

Land Drainage / Flood Risk

Observation: Reference is made under Item 13 – Assessment of Flood Risk on the Planning Application form where it indicates that the site is not within 20 metres of a watercourse. This is incorrect. An existing watercourse flows under and adjacent to this proposed development. No further reference has been made in the submission to recognize the existence of this watercourse.

Comment: The Authority holds no historical flooding information relating to this greenfield site. However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to part of the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a 'medium' chance of flooding from surface water. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

The watercourse flowing through/adjacent this site is deemed an Ordinary watercourse. Powys CC generally oppose the culverting of a watercourse. Any proposed alterations or interference with this watercourse will require the prior approval from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

No buildings, structures, fences, planting or alteration of contours shall take place within 5 metres from the top of the bank of the existing watercourse.

Recommendation: An appropriate FCA should be prepared to evaluate and assess the risk from surface water flooding prior to the granting of any permission.

Reason: To ensure that the proposed development does not compromise the function of the land drainage system and that any proposed alteration to this system is fully compliant with regulations and are of robust design.

Surface Water Run-off

Observation: Reference is made within the Planning and Design Statement to the adequate provision for drainage, including the use of sustainable urban drainage systems such as reed bed filtration systems and balancing ponds, that will reduce flood risk and negative impacts on the local hydrological condition. Further reference to the management of surface water run-off is indicated in Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states that surface water is to be disposed to soakaway.

No proposed surface water drainage details or layout drawing(s) have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design.

The general soil type for the site location is described as being ‘slowly permeable seasonally wet acid loamy and clayey soils’. Soakage in this type of soil structure may be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site.

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government’s planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non statutory national standards and guidance can be downloaded from The Welsh Government’s website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government’s SuDS design standards.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

Reason: To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

Environment Protection

Informative: The Planning and Design Statement indicates that foul water drainage from this development is to connect to the public sewerage system. The nearest public foul sewer to this site is located approximately 1.8km away at Kingswood, Forden.

Connection to the public foul sewer will be subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows.

Hope this is of assistance.

Correspondence received 7th June 2017

Reviewed Roger Parry & Partners' Limited FCA. The LLFA's observations and comments are as follows:-

Reference is made in Item 4 – Flood Zone & Vulnerability of the Limited FCA to the 'access road adjacent to the brook has been elevated and the brook has been deepened and this has resolved the issue' but under Item 5 – Mitigation, it refers to the raising of the property floors and access track a minimum of 300mm above surface water flooding ground levels to ensure any potential surface water does not affect the buildings. However, under Item 6 – Impact on Flood Risk Elsewhere, it then states that no ground raising is proposed within the flood extent.

A few concerns here, the first being the deepening of the watercourse. This is not regarded a sustainable method to alleviate flood risk as bed levels will regrade to its natural fall and any short term benefit will be quickly lost. Secondly, the raising of the track alongside the watercourse will remove flood storage, which will then lead to greater flooding or creation of a flood nuisance elsewhere.

Best solution would be to retain flow within the channel but rather than deepening the channel it would be better to widen the cross-sectional area of the channel to accommodate flood flows. This could be achieved through the introduction of 'shelf' or 'bench' above normal water levels. The extent of the widening of the channel would need to be determined through the provision of a hydrological assessment of the watercourse catchment to quantify flood flows, which in turn will help determine the minimum width of channel necessary to accommodate flood flows. The capacity of the widened channel would need to be designed to accommodate flows up to the 1 in 100yr plus climate change event. 300mm free board should be made available.

Whether or not something like this can be achieved is unknown without an appropriate assessment being undertaken. Without this information it is not possible for me to make a recommendation.

If it helps, we could meet the Agent/Applicant on site to discuss this issue further?

Correspondence received 4th July 2017

As per our earlier conversation regarding this application and, in particular, the flood risk shown on NRW's Surface Water Flood Risk mapping, having now met with Richard Corbett (Roger Parry & Partners) on site I've had the opportunity to reflect on what would be a reasonable way forward. The existing access road alongside the watercourse has, over time, been raised through general maintenance/upkeep of the road and, the watercourse itself has already been culverted in various sections. This may well have reduced the risk to the site but what was agreed with Richard was that we still need to evaluate these risks not only for the site itself but also the risk to others as a result of the proposals. His client owns the land either side the watercourse and was therefore able to carry out any enhancements that may be required. This required analysis would also include details on surface and foul water drainage arrangements for the site, which would be incorporated in a Drainage Strategy.

Perhaps the following can form the appropriate wording of a condition:-

Recommendation: No development shall commence until a Drainage Strategy for the surface water run-off and land drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme identified within the approved Drainage Strategy shall be completed before any dwellings are occupied. The scheme to be submitted shall show arrangements for the foul water drainage of the site.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

I hope this is of assistance.

Natural Resources Wales

Correspondence received 5th January 2017

Outline application for residential development and all associated works Land at Pen y lan & adjacent to Woodluston, Forden Welshpool

Thank you for referring the above consultation received by us on 20th December 2016. We have no objection to the proposal.

Pollution Prevention

As the development is near a water course a pollution prevention plan should be created and implemented to the satisfaction of the LPA.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance with PPG5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the netregs website:

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on Tel: 03000 653000.

European Protected Species

No ecological report has been supplied with the planning application. We observe that the site is currently composed of improved agricultural grassland with hedgerows and mature trees along the site boundaries. Hedgerows and trees should be retained and opportunities for biodiversity enhancement should be considered. We recommend that a preliminary ecological assessment should be submitted with the detailed planning application.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

PCC – Ecology

Correspondence received 21st July 2017

Thank you for consulting me with regards to planning application P/2016/1126 which concerns an Outline application for residential development and all associated works at Land at Pen y lan & adjacent to Woodluston, Forden, Welshpool, Powys, SY21 8NE.

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 32 records of protected and priority species within 500m of the proposed development, no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development comprises an area of improved grassland which is a habitat of low ecological importance. The boundary of the site comprises areas of hedgerows and occasional semi mature trees.

Having reviewed the existing and proposed plans for the site it is noted that the proposed plan indicates that at least 2 trees will be lost to accommodate the proposed development.

Powys County Council UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

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

Whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matter it is noted that the proposed plans identify the provision of landscaping including what appears to be some tree planting as part of the proposed development. The provision of landscaping is welcomed and the provision of tree planting would compensate for the loss of the 2 trees, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.

It is also recommended that in order to ensure the safeguarding of hedgerows and trees that are to be retained as part of the development a tree and hedgerow protection plan is secured through an appropriately worded condition.

Given the relatively rural location of the proposed development careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area – a number records for bat species were identified in local area. It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.

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

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

Reason: 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.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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 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.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's 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.

Representations

No third party responses received by Development Management at the time of writing this report.

Principal Planning Constraints

Public Right of Way
Historic Landscapes Register 212/2/5,1

Principal Planning Policies

Planning Policy Wales (9th Edition, 2016)
Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 2 - Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 12 - Design (2016)
Technical Advice Note 20: Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 - Economic Development (2014)
Technical Advice Note (TAN) 24: The Historic Environment (2017)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local planning policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5 – Welsh Language and Culture
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV14 – Listed Buildings
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP8 - Affordable Housing adjoining Settlements with Development Boundaries
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
RL6 - Rights of Way and Access to the Countryside

Powys County Council Residential Design Guide (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.

Principle of Development

This application site lies adjacent to the settlement boundary of Forden which is classified in the Powys Unitary Development Plan 2010 as a small village. The proposal is for five

dwelling one of which is to be an affordable dwelling and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Forden is defined in the UDP as a small village with one allocated site (M131 HA1 which was allocated for five dwellings). The settlement itself has a church, cemetery, primary school, community centre, recreation ground, football pitch, cricket pitch bowling green and tennis courts. There are public transport links within a short walking distance of the site with the Key Settlement of Montgomery being approximately 3.2 miles south of Forden which offers a wide range of services and facilities. The proposed location is considered to be sustainable for the scale of development proposed.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The Planning and Design Statement also makes reference to the indicative size thresholds for the proposed dwellings these are as follow:

Plots 1,2 & 3: 4 bed detached dwellings: 6.6 metres in length, 9.25 wide, height to the eaves of 4.7 metres and a height to the ridge of 8.4 metres with a roof pitch of 45 degrees.

Plot 4: 3 bed detached house: 8.7 metres in length, 6 metre in width, 4.7 metres in height to the eaves and 8.3 metres in height to the ridge with a roof pitch of 45 degrees.

Plot 5 (Affordable Dwelling): 3 bed detached dwelling: 6 metres in length, 8.7 metres in width, 4.7 metres in height to the eaves, 8.4 metre in height to the ridge and a roof pitch of 35 degrees.

Plot 1 to 5: Garages: 6 metre in length, 3 metres in width with a height to the eaves of 2.4 metres and 4 metres in height to the ridge with a roof pitch of 35 degrees.

No indicative details of design of the dwellings or materials to be used in their construction are given at this stage, but they are intended to reflect the character and appearance of the surrounding area.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating five dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

This site is located within the Crewgreen to Forden Hill and Scarp aspect area which is characterised as forming the topographical transition between the upland peaks of Breidden Hill and Long Mountain and the floodplain of the River Severn. Largely west facing and typified by a patchwork of grazed and some low intensity arable farming with managed hedgerows, occasional patches of woodland lie along stream courses and in lower lying areas. Whilst LANDMAP recognises the scenic quality of the landscape as being high its rarity is considered to be low. The overall visual and sensory value is described as moderate.

The proposed site is considered to be well connected to the small village of Forden being adjacent to the existing built up area and existing dwellings. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing small village and would not have an unacceptable significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Public Rights of Way

The existing site has a public footpath running through the centre of the agricultural field on the definitive map which would be through the centre of the proposed development. As part of this application process the countryside services team has been consulted and have provided comments on the application. The officer has advised the applicant that the existing

definitive line of the public footpath would be severely obstructed by the proposed development and that the public right of way would need to be formally diverted.

The formal footpath diversion process is a separate process to a planning application. This application is in outline form with all matters reserved. An indicative site layout has been given with a potential route for the diversion of the existing footpath. This is not the final layout for the site and could be subject to change subject to further consultation with countryside services in order to accommodate a proposed route.

Officers are satisfied that given the indicative layout proposed as part of this application process that there is the ability to accommodate a public footpath on a diverted route to the existing whilst allowing the development of residential dwellings on the site. Further comments are being sought from countryside services regarding the proposed diversion route and it is hoped that their comments will be reported in an update report to committee. In light of this and comments above, officers consider that the proposed development fundamentally complies with policy RL6 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and have provided comments on the application. The highways officer has raised no objection to the scheme and recommended a number of conditions to be attached. This application is in outline form with all matters reserved. Therefore, access is not being considered as part of this application process and therefore it is not appropriate to include any conditions in relation to highways access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

As part of this application process Environmental Health Officers and our Land Drainage Officer have been consulted on the proposal. No comments have been received from Environmental Health at the time of writing this report. The Land Drainage Officer was consulted on the original proposal and requested further information in the form of a Flood Consequence Assessment. Further comments have been provided by the Land Drainage Officer in support of the application subject to the inclusion of a condition relating to a surface water scheme.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions to secure further information in terms of landscaping plans and its management, a tree and hedgerow protection plan and external lighting condition.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy 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.

In the 2011 census the Forden Ward reported that 10.8% of the population spoke Welsh. This is an increase from the 2001 census which stated that 3.2% of the population of Forden spoke Welsh. Officers consider that the development of five dwellings in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

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 a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 9th November 2016 (drawing no's: RPP/RC-JOB36-01 REV B, RPP/RC-JOB36-02 REV A, Planning and Design Statement - dated October 2016) amended plans received 8th August 2017 (drawing no: RPP/RC-JOB36-03 REV A) and additional information received 3rd March 2017 (Document: Limited Flood Consequence Assessments).
5. No development shall commence until a Drainage Strategy for the surface water run-off and land drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme identified within the approved Drainage Strategy shall be completed before any dwellings are occupied.

6. 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.
7. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
8. 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.
9. 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 type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 1 housing unit space;
 - 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.
10. The affordable dwellings 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 reenacting 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.
11. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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 ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.
6. 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.
7. 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.
8. 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.
9. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).
10. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
11. To comply with Powys County Council's UDP Policies ENV3 and ENV6 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.

Informative Notes

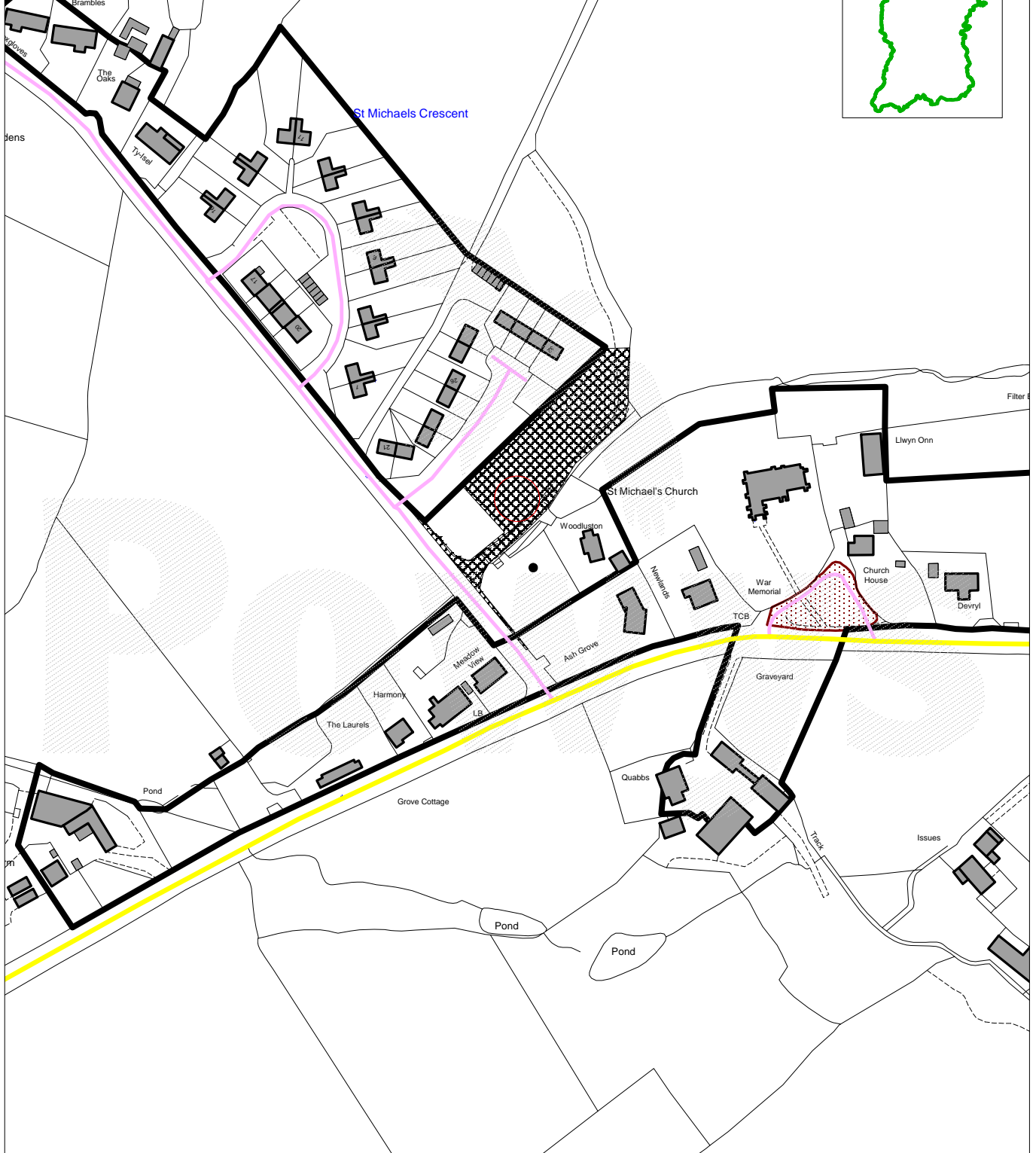
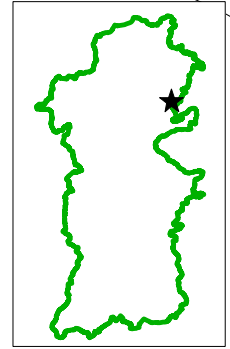
Environment Protection

Informative: The *Planning and Design Statement* indicates that foul water drainage from this development is to connect to the public sewerage system. The nearest public foul sewer to this site is located approximately 1.8km away at Kingswood, Forden.

Connection to the public foul sewer will be subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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

6.10

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0111	Grid Ref:	327914.26, 293690.04
Community Council:	Churchstoke	Valid Date:	Officer: 13/02/2017 Bryn Pryce
Applicant:	Mr P Delves, Crosslikely, Montgomeryshire Natural Spring Water Co, Churchstoke, Montgomery, Powys SY15 6AR		
Location:	Montgomeryshire Natural Spring Water Co, Crosslikely, Churchstoke, Montgomery Powys SY15 6AR		
Proposal:	Section 73 application to vary condition 2 of permission P/2015/0180 relating to the approved plans		
Application Type:	Application for Removal or Variation of a Condition		

The reason for Committee determination

This application has been called in to planning committee by the Local County Councillor.

Site Location and Description

This application is in respect of a variation to condition 2 of planning permission P/2015/0180. The variation relates to the increase in height of the building approved under this application by 3 metres at the bottling plant business in Churchstoke, Powys. The business, Montgomeryshire Natural Spring Water Co., is based on a site to the rear of the Harry Tuffins Supermarket on the eastern edge of the settlement and is accessed off the A489.

The original proposal incorporated an extension of the existing building to provide office space, storage and the extension of the water bottling plant. In addition, the development involves the provision of additional water storage tanks, a solar panel array located on the roofs of the buildings, access improvements, landscaping works, and flood attenuation measures. This section 73 application also proposes to amend the height of the proposed extension to raise the roof of the building by three metres in height. All other elements remain the same from the consented application

Consultee Response

Churchstoke Community Council

Correspondence received 1st March 2017

Council objects very strongly to this application for reasons:

- a) The scale of the proposals is grossly out of proportion to the immediate environment.
- b) The adverse visual impact of such a large-scale development on the neighbouring valley and from nearby areas of outstanding natural beauty.

Correspondence received 20th May 2017

CCC notes the reduction in height from the previous application for variation in February 2017, but has concerns on the visual impact and objects to the application for the same previous reasons:

- a) The scale of the proposal is grossly out of proportion to the immediate environment
- b) The adverse visual impact of such a large-scale development on the neighbouring valley and from nearby areas of outstanding natural beauty.

PCC - Highways

Correspondence received 25th May 2017

Does not wish to comment on the application.

PCC - Building Control

Correspondence received 14th February 2017

The proposed development will require Building Regulations approval. Please contact me on 07876216734 or paul.metcalf@powys.gov.uk to discuss.

Wales & West Utilities

Correspondence received 14th February 2017

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Correspondence received 4th May 2017

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Correspondence received 2nd March 2017

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

Correspondence received 8th May 2017

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

Cllr Michael J Jones

Correspondence received 26th February 2017

I wish to call in the above application for Committee determination due to the visual impact of the very large increase in the size of the building.

PCC - Environmental Health

Correspondence received 2nd March 2017

I have no objection to the above application.

NRW

Correspondence received 3rd March 2017

Diolch am ymgynghori gyda Cyfoeth Naturiol Cymru ynglŷn a'r cais uchod.

Rydym wedi adolygu'r cais cynllunio gyflwynwyd i ni, ac o'r wybodaeth a ddarparwyd nid ydym o'r farn bod y datblygiad arfaethedig yn effeithio ar fater a restrwyd ar ein Rhestr Wirio, *Cyfoeth Naturiol Cymru ac Ymgynghoriadau Cynllunio (Mawrth 2015)*: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=cy>. Felly, nid oes gennym unrhyw sylwadau i'w gwneud ar y datblygiad arfaethedig.

Sylwer nad yw ein penderfyniad i beidio â rhoi sylwadau yn golygu na allai bod yna bosibilrwydd i'r datblygiad arfaethedig effeithio ar fuddiannau eraill, gan gynnwys buddiannau amgylcheddol o bwysigrwydd lleol.

Dylai'r ymgeisydd gael ei hysbysu mai hwy, yn ogystal â chaniatâd cynllunio, sydd yn gyfrifol am sicrhâi bod ganddynt yr holl drwyddedau/caniatadau sy'n berthnasol i'w datblygiad.

Hyderwn fod y sylwadau uchod o gymorth, fodd bynnag, os oes gennych unrhyw ymholiadau, mae croeso i chi gysylltu â mi.

Cofion Cynnes

Dear Claire,

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, *Natural Resources Wales and Planning Consultations* (March 2015): <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

PCC – Ecology

Correspondence received 27th July 2017

Thank you for consulting me with regard to Application P/2017/0111 which concerns a Section 73 application to vary condition 2 of permission P/2015/0180 relating to the approved plans.

The proposed amendments involve an increase in the height of the building approved under planning permission P/2015/0180 – the modified store room will be approximately 16.15m higher than the previously approved detail.

Having reviewed the proposed plans and the nature of the amendments proposed it is considered that the proposed changes would not result in any negative impacts to biodiversity, I therefore have no objections to the proposed development.

CPAT

Correspondence received 14th February 2017

Thank you for the consultation on this variation. I can confirm that the proposals will have no archaeological impact.

Correspondence received 3rd May 2017

Thank you for the notice of the amended details for this application. I can confirm the amendments do not change our previous advice ie. no archaeological impact.

Representations

A public site notice was displayed at the site for a period of 21 days. One objection letter has been received in response. The comments raised are summarised below:

- Scale, Height
- Lack of suitable supporting infrastructure
- Visual amenity effect on local area.

Planning History

P/2015/0180 - Full: Erection of a new office extension comprising three levels. Erection extension to provide storage area. Erection of a covered loading bay and bottling plant extension, Valve room and water storage tanks. Installation of photovoltaic panels (part retrospective). Formation of new onsite vehicular access road. Formation of associated hard and soft landscaping / paved areas and engineering operations to form pond, with all other associated works – Conditional Consent

P/2012/0004 - Erection of an extension to provide delivery canopy and installation of internal goods lift – Conditional Consent

P/2010/0187 - Erection of an open sided canopy roof to existing articulated lorry loading area (service yard) – Conditional Consent

M/2007/0761 - Erection of 12 no. water storage tanks – Conditional Consent

P/2008/1016 - Temporary permission for the siting of six caravans for residential use (retrospective) – Refused

M/2004/1294 - Installation of 10 water storage tanks & associated supporting steel work – Conditional Consent

M/2002/0646 - Erection of an extension for new warehouse – Conditional Consent

Principal Planning Constraints

Public Right of Way

Historic Landscapes Register 210/28/1,1

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009)
Technical Advice Note (TAN) 8: Renewable Energy (2005)
Technical Advice Note (TAN) 11: Noise (2016)
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 23: Economic Development (2014)

Local Planning Policies

Powys Unitary Development Plan 2010

SP4 – Economic and Employment Developments
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity & Natural Habitats
ENV4 – Internally Important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional & Local Importance
ENV7 – Protected Species
ENV11 – Development in Conservation Areas
ENV14 – Listed Buildings
ENV16 – Landscapes, Parks and Gardens of Special Historic Interest
ENV17 – Ancient Monuments & Archaeological Sites
EC1 – Business, Industrial & Commercial Developments
EC2 – Business Sites Hierarchy
EC4 – Local Employment Sites Within or Adjoining Settlements
EC5 – Expansion of Existing Employment Sites
RL4 - Outdoor Activity and Pony Trekking Centres
RL6 - Rights of Way and Access to the Countryside
E7 – Solar Technologies
DC1 - Access by Disabled Persons
DC3 – External Lighting
DC13 – Surface Water Drainage

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

Section 38 (6) Planning and Compulsory Purchase Act 2004

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.

Introduction

This application site was subject to a previous planning application granted conditional consent under planning application number P/2015/0180. The original proposal was for the erection of a new office extension comprising three levels. Erection of an extension to provide storage area. Erection of a covered loading bay and bottling plant extension, valve room and water storage tanks. Installation of photovoltaic panels (part retrospective). Formation of new onsite vehicular access road. Formation of associated hard and soft landscaping / paved areas and engineering operations to form pond, with all other associated works.

This section 73 planning application relates to the same development, however seeks a variation to condition 2 in relation to the height of the proposed building extension. Originally the application submitted was to raise the height of the approved building extension ridge by 16 metres in height. Officers considered this to be unacceptable and therefore have sought amended plans. The height of the roof of the building is now proposed to be increased by 3 metres in height. All other elements of the proposal remain the same as the original approved consent.

Principle of Development

The principle of this proposal has been considered against policies EC1, EC2, EC4 and EC5 of the Powys Unitary Development Plan 2010 in the previous application (P/2015/0180) where consent was granted. This application considers a change in design to that of the approved development via the section 73 process. In considering these changes regard will be given to other policies of the plan in respect of design, scale, landscape impact and amenity.

Officers consider that in principle the proposed development is considered to be acceptable given the previous extant approval of the development on this site.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This section 73 planning application seeks to amend the design of the proposed building extension by raising the roof by a further 3 metres in height. The massing of the building and footprint are to remain the same as that approved as part of the previous application. All other elements of the proposed development at this site are to remain as approved under P/2015/0180.

Initially the proposal was submitted to raise the height of the consented building by a further 16 metres in order to accommodate a racking and crane system to allow easier and more efficient storage of bottles front the plant. Officers raised significant concern over the proposal and amended plans were submitted reducing the proposed height of the building to an increase of 3 metres on the previously approved ridge height. The building is to measure a total height to the ridge of 14.5 metres in height.

Having considered the proposed development and increase in the ridge height of the proposed building carefully, officers are satisfied that the proposed increase in height of the ridge previously approved would not have a significant adverse impact in terms of scale and height of the building with the proposed materials and design of the building being complementary to the surrounding buildings. In light of the above, it is considered that the proposed development fundamentally complies with policy GP1, GP3 and ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

The proposal seeks to utilise an existing access to serve the site onto the A489. A new roadway will be created to serve the extended building and additional parking areas are also proposed in accordance with the standards set out in the CSS All Wales Parking Guidelines.

As part of this application process the highways authority have been consulted however, they did not wish to comment on the proposal. The proposed plans remain the same as the original application (P/2015/0180) in respect of highways access and parking facilities and therefore there are no further comments to add from the highways perspective. Conditions were attached to the original consent in relation to the provision of parking spaces and visibility splays and officer consider it necessary to include these conditions upon any grant of consent for this section 73 application.

In light of the above, officer consider that the proposed variation in design will not have an unacceptable impact upon highway safety and therefore complies with policy GP4 of the Powys Unitary Development Plan 2010.

Ecology and Biodiversity

As part of this application process the county ecologist has been consulted and has raised no objection to the proposed development. Officers questioned the suitability of the ecological information provided submitted with this application due to the time elapsed since the submission of the original application. The same ecological survey reports have been submitted in support of this application. However, having consulted our ecologist on this matter the officer is satisfied that the ecological report is suitable and still valid for this application. The ecologist is satisfied that the proposed amendments would not result in any negative impacts to biodiversity.

In light of the above, officers are satisfied that the proposed development subject to the inclusion of conditions as per the original consent that the proposal fundamentally complies with ENV7 of the Powys Unitary Development Plan 2010.

Residential Amenity

It is noted that the development is located within 150 metres of residential properties. However, it is also noted that there are intervening uses between the application site and the dwellings to the north of the site including a supermarket, fuel station and an A class highway. Dwellings to the east and west of the site are also located adjoining the A class highway. Dwellings to the south of the site are located in excess of 900 metres from the application site. Taking into account that the proposed development is an increase in height of the previously approved building extension to an existing use as well as noting that the

Environmental Protection Officer does not raise any concerns in respect of this development, it is considered that the scheme is unlikely to give rise to any increased significant adverse amenity issues for these residential properties.

It is noted that the previously approved building is large in scale and the increase in height increase its scale having taken into account the overall height of the proposed building with the topography of the land, intervening buildings and the location of the closest dwellings, it is not considered that the proposal would be overbearing on residential amenity.

It is therefore considered that the proposal accords with the principle of GP1 with regard to residential amenity.

Visual Amenity, Design and Landscape Impact

The proposed variation to the approved design would result in an increase of the ridge height of the approved building by 3 metres. Although the approved building extension is of a significant scale, officers consider that the increase in the height of this building by 3 metres is not an increase that would result in a significantly different appearance and scale of the previously approved building and would not result in any significant increased adverse impact upon the visual amenity of the area. The design of the proposed building remains the same with further details of any external cladding to be secured via condition upon any grant of consent.

The site falls within the Church Stoke visual and sensory aspect area in Landmap which is categorised as having a low scenic quality, integrity and character. It is described as a linear settlement of no particular scenic quality and has an overall evaluation of low.

The site is located within the Vale of Montgomery Landscape of Outstanding Historic Interest, which although not a statutory designation, is a material consideration in the determination process. The significance of the area relates to the high concentration of defensive works which provide evidence of the historical struggle for territory typical of Welsh history. The proposal is not considered to directly impact upon any recorded archaeology, which has been confirmed by CPAT, or unacceptably impact on the setting of any features.

It is noted that the development would be visible from sections of the Kerry Ridgeway and Offas Dyke long distance trails as well as from Todleth and Corndon Hills and the Shropshire Hills AONB. However, given the distances between these receptor points and the application site, and the fact that the proposal relates to an increase in height to of an extension to an existing use of land on the edge of the settlement, it is not considered that the development would be unduly prominent in the landscape or would be detrimental to the enjoyment of these paths or areas.

In light of the above, officers consider that the proposed variation of design of the extension building fundamentally complies with policies ENV2, 11, 16 and 17 of the Powys Unitary Development Plan 2010 and will not be unacceptably detrimental to these interest.

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. It is considered that the development would contribute to the economy of the area which is benefit to maintaining the Welsh language and culture.

In the 2011 census the Churchstoke Ward reported that 4.1% of the population spoke Welsh. This is an increase from the 2001 census which stated that 1.5% of the population of Churchstoke spoke Welsh. The proposed development in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

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.

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

The proposed variation to the design of the extension building is considered to comply with local and national policy. Whilst the proposed increased height of the building will result in a larger scale building, officers consider that the proposal is acceptable in terms of visual amenity and residential amenity and will not result in a significant adverse impact upon the local area or wider landscape. There are no implications in terms of highway safety and ecology different to that approved under the original consent and is considered that the conditions are still relevant. It is therefore recommended that the application be granted subject to the conditions as below.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as received on 13th February 2017 (drawing no's: 01B) amended plans received 3rd May 2017 (Drawing No: 20 A) drawing received 29th June 2017 (Drawing no: 2854 05 15 09 02 A) and plans received 8th August 2017 (Drawing no's: 02B, 03C, 04B, 06A, 07A).
3. All works shall only take place in accordance with the measures detailed in section 5.3 of the General Ecological Appraisal undertaken by Lingard Styles dated July 2015 and referenced 2854 with consultation taking place with Natural Resources Wales in the event of any unforeseen situation involving protected species.
4. All planting, seeding or turfing comprised in the approved details of landscaping and including the relocating of the hedgerow 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, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
5. Prior to the cladding of the exterior of the buildings hereby approved, the colour of the external cladding of the buildings shall be submitted to and approved in writing by the Local Planning Authority.
6. The solar panels shall have a dark coloured non-reflective surface and the edging of the panels should be of a black or dark grey colour. All solar panels must be set flush to the roof plane on which they are sited.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water capacity during 1 in 100 year storm conditions (plus allowances for climate change) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
8. Prior to the first use of the buildings hereby approved, the parking spaces identified on the approved drawings shall be provided and shall remain available for use by employees and visitors to the site in perpetuity.
9. Prior to the commencement of development details of visibility splays from the existing access (serving Tuffins) into the application site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed splay shall be fully achieved prior to the first use of the buildings hereby approved and must remain free from obstruction in perpetuity.
10. Prior to the commencement of development a scheme for any external lighting of the site shall be submitted to and agreed in writing by the Local Planning Authority. All external lighting shall adhere to the agreed scheme in perpetuity.

Reasons

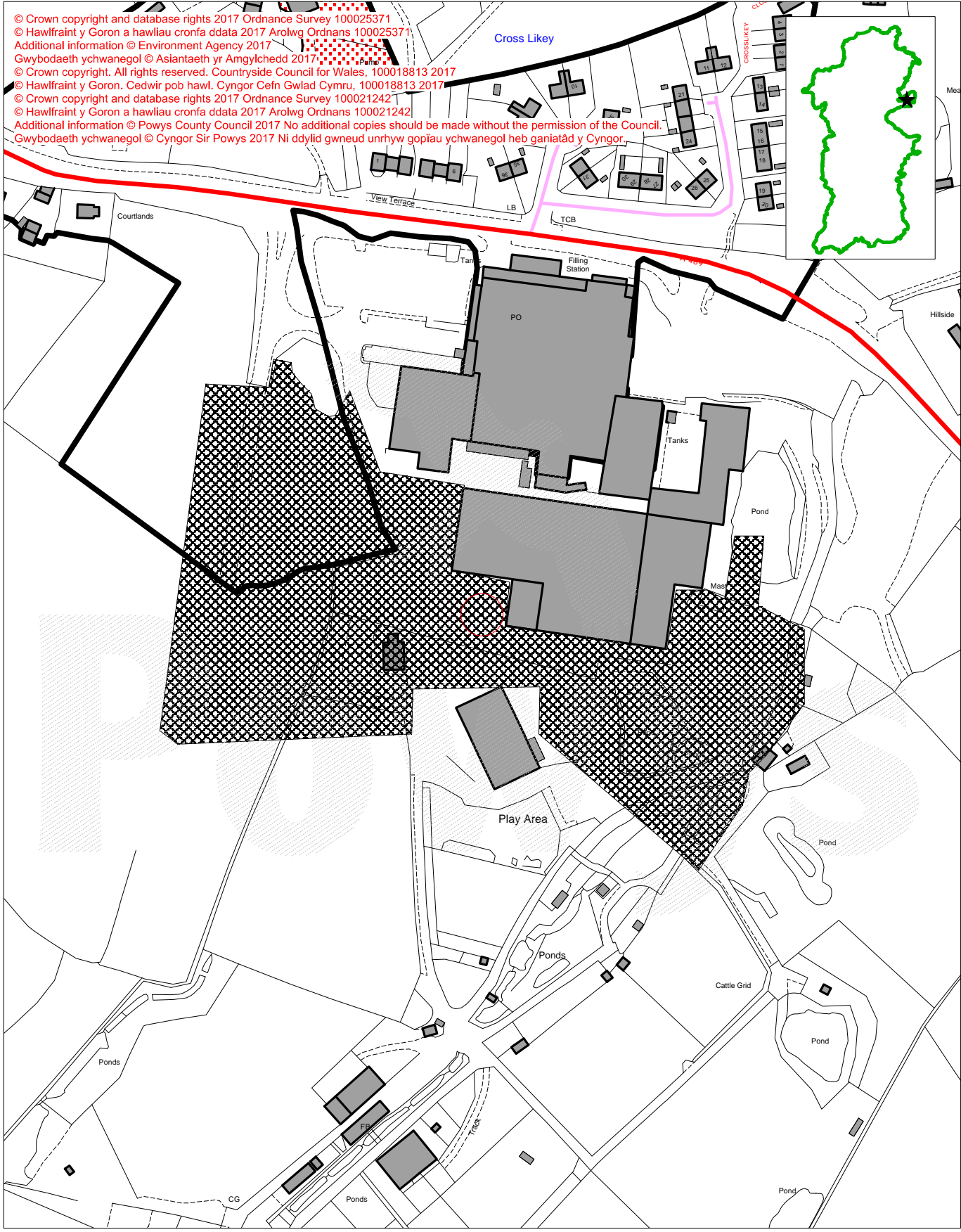
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 and ENV7 of the Powys Unitary Development Plan.
4. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
5. In order to minimise impact in accordance with policies GP1 and EC1 of the Powys Unitary Development Plan.
6. In order to minimise visual impact in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
7. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
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 order to minimise impact in accordance with policies GP1 and DC3 of the Powys Unitary Development Plan.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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

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

6.11

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0647

Grid Ref: 324016.07
308909.80

Community Council: Welshpool

Valid Date: 14/06/2017
Officer: Rachel Mulholland

Applicant: Mr & Mrs Roberts, Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP.

Location: Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP.

Proposal: Erection of a dwelling and detached garage, formation of vehicular access and all associated works (with all matters reserved).

Application Type: Application for Outline Planning Permission.

The reason for Committee Determination

The application is to be determined by planning committee as it represents a departure from the development plan and is recommended for approval.

Site Location and Description

The application site lies within the open countryside as defined by the Powys Unitary Development Plan (2010). It is located northwest of Welshpool approximately 600 metres from the designated settlement boundary for Welshpool and approximately 120 metres north of the Buttington Cross Enterprise Park. The site is to be accessed by a new access point off the county highway (U2209) to the south. The nearest neighbouring residential properties are located approximately 18 metres to the southeast. The site has neighbouring dwellings to the southeast with agricultural fields surrounding.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of a dwelling and detached garage, formation of vehicular access and all associated works. This outline application is made with all matters reserved. An indicative layout of the site and scale of the dwelling proposed are given.

Consultee Response

Welshpool Town Council

Correspondence received 29th June 2017

The Committee supports this application.

PCC - Highways

Correspondence received 10th August 2017

The County Council as Highway Authority for the County Unclassified Highway, U2209

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC1 Prior to the occupation of any dwelling any entrance gates 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.

In the interests of highway safety.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 5.5 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 6 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 2.4 metres distant from the edge of the adjoining carriageway and 43 metres in each direction. 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 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 the 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 any constructions works on any plot 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 access carriageway, constructed as Condition HC7 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.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

In the interests of highway safety.

PCC – Building Control

Correspondence received 19th June 2017

Building Regulations application required.

Wales & West Utilities

Correspondence received 22nd June 2017

Wales & West Utilities have been made aware of a planning application on 19.06.2017, advising us of the proposals at:

Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the

owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities apparatus may be directly affected by these proposals and the information you have provided has been forwarded to Asset Management for their comments. If Wales & West are affected an Engineer will then contact you direct.

Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

Correspondence received 21st June 2017

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

Cllr Francesca Jump

Correspondence received 22nd June 2017

As local member for this ward I fully support this application. I consider that the application site is situated within the community of Buttington. Access to the site is via Rhallt Lane which is very narrow and the visibility is poor with no passing places. I have had, in the past, complaints/concerns from local residents about difficulties in negotiating this lane. The removal of part of the hedgerow at the entrance to the application site and the visibility splay required by Highways will help to mitigate this problem.

I would like to call in this application.

PCC – Environmental Health

Correspondence received 26th June 2017

I will need the foul drainage details and specifications for the proposed development including the percolation test result, and confirmation that the trial holes are open for inspection.

I cannot currently comment on the application as there is insufficient information relating to foul drainage.

Following the submission of percolation test results from a previous application on the site the Environmental Health Officer provided the following additional comments:

Correspondence received 29th June 2017

If the size and position of the soakaway are the same, I have no objection to the application.

PCC – Ecologist

Correspondence received 21st July 2017

Thank you for consulting me with regards to planning application reference P/2017/0647 which concerns an Outline application for the Erection of a dwelling and detached garage, formation of vehicular access and all associated works

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 75 record of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the site included floating water-plantain, otter and bat species.

The following statutory designated sites are present within 500m of the proposed development:

- Montgomery Canal SAC/SSSI

These designated sites are located approximately 60m south-east of the site of the proposed development, given the proximity of the proposed development to the Montgomery Canal SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or it's associated features has been considered.

Having reviewed the information provided by the applicant 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.

There are no non-statutory designated sites within 500m of the proposed development.

An Extended Phase 1 Habitat Survey was undertaken by Arbor Vitae Environment in May 2017. The survey considered the ecological value of the habitats present and affected by the proposed development, potential for protected species to be present and the need for further surveys and the potential for the proposed development to impact designated sites and or their associated features.

The survey identified that the site of the proposed development is an area of improved grassland, a habitat of low ecological value. The site is bounded by native mixed species hedgerow with areas of hedgerow trees.

No evidence of protected or priority species was found during the survey, whilst otter had been recorded within 60m of the proposed development the site was found to have no suitable features present to support resting or breeding otter and survey concluded that otter would be unlikely to use the site. The hedgerow/hedgerow trees bounding the site were considered to have potential to be used by nesting birds, however no nests were found during the survey.

The ecological survey was identified as qualifying as an important hedgerow as defined by the Hedgerow Regulations 1997, species rich native hedgerows are also identified as Biodiversity Action Plan habitats and are listed as habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The ecology report also identifies that the presence of a relic woodland flora enhances the hedgerow's ecological significance.

Hedgerows are 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. Hedgerows and linear tree features are also included in the Powys LBAP 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'. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

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

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, it is noted that the submitted plans indicate that a new hedgerow will be planted to the rear of the new visibility whilst the intention to provide compensation for the loss of hedgerow is welcomed given the identified ecological value of the hedgerow currently present it is recommended that consideration is given to translocation of the existing hedgerow – this would enable the hedgerow and associated ground flora to be retained, if this is not considered possible at this location an appropriate replacement hedgerow planting scheme would need to be identified – 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 lost as a result of the development. It is recommended that a detailed hedgerow realignment scheme is secured through an appropriately worded condition.

Whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matters it is noted that the proposed plans indicate the provision of landscaping including what appears to be some tree planting as part of the proposed development. The provision of landscaping is welcomed, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.

Given the rural location of the proposed development careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area – a number records for bat species were identified in local area and the Extended Phase 1 Survey report identifies that external lighting should be designed to minimise illumination of the roadside tree line and hedgerow. It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.

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

The development shall be carried out strictly in accordance with the Recommendations identified in Section 6 of the Extended Phase 1 Habitat Survey Report produced by Arbor Vitae Environment and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: 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 2016.

Prior to the commencement of development a detailed method statement for the realignment of the hedgerow which bounds the site along Rhallt Lane shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and all realignment works shall take place in accordance with the approved details.

Reason: 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 Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: 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.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's 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.

In addition I recommend inclusion of the following Informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore 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.

PCC – Built Heritage

Correspondence received 25th July 2017

Thank you for consulting me on the above application.

The proposal is for outline consent with all matters reserved on land adjacent to a number of listed buildings namely;

Bridge 115 over the Montgomeryshire Canal Cadw ID 16752 included on the statutory list on 29/02/1996

Buttington Limekilns Cadw ID 16753 included on the statutory list on 29/02/1996

Mount Pleasant Cadw ID 16754 included on the statutory list on 29/02/1996

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for

planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,

- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The application site is currently steeply sloping grassland.

The listed canal bridge and the limekilns are evidently linked to the lime kilns that were erected adjacent to the Montgomery Canal. The unlisted properties opposite the site are called Canal Cottages and presumably associated with the canal.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The site appears to have been undeveloped for some time as the Historic Environment Record for the area identifies the site or adjacent to the site as being part of a medieval field system. (PRN64692)

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The site is an undeveloped field in close proximity to the Montgomeryshire Canal and the canal and its associated historic assets are a valuable academic resource relating to the history of transport and agricultural improvement of this part of Montgomeryshire, while its setting and appearance evoke a sense of the past.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The canal and its towpath can be accessed by visitors to the canal and the towpath is a leisure route for locals and tourists alike. The limekilns are available to view from the exterior adjacent to a car park where the canal a bridge and the lime kilns form an interesting collection of canal related structures available for the public to visit.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting.

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The listed canal bridge and lime kilns are set at a lower level than the application site. The steeply sloping field to which the application relates means that the proposed dwelling will be elevated above the canal.

The site is on lower ground than Mount Pleasant and from the public road that serves Mount Pleasant the new dwelling and the listed building will be both visible from a single viewpoint. However the proposed new dwelling will be roughly associated with the Canal Cottages by virtue of their proximity.

The proposed access requirements require a large proportion of the hedgerow to be removed to provide visibility splays which will have some impact on the local character, however I note that the hedgerow adjacent to the listed canal ridge and limekilns are to be retained.

The erection of a house on the elevated site has the potential to affect the setting of the canal bridge and limekilns. However I note that the design and access statement discusses the proposed design being designed to reflect the sizes and proportions of existing dwellings and will be of a traditional design. Whilst being made in outline, the indicative plan suggests dormers on the roof, and it is noted that the canal cottages, Mount Pleasant and Limekiln Cottage do not have dormers but rather small windows beneath the eaves. However it is noted that the proposed block plan is indicative I would suggest that dormers may not reflect the local vernacular.

As the application is made in outline it is the principal of the development that is being considered and not the design which is a reserved matter. The proposal has the potential to affect the setting of the listed buildings by an inappropriate design for the location. However it also has the potential to enhance the character and appearance of the area by an appropriate design.

In this instance given the listed buildings are associated with the canal and the Design and Access Statement has indicated that the design of the proposed property will respect and reflect the local style and character of the surrounding properties which with the exception of Mount Pleasant were associated with the canal, the proposal if designed to respect and reflect the local style and character could enhance the local character.

As such I would not wish to object to the proposal on the setting in respect of the setting of listed buildings.

Canal and River Trust

Correspondence received 26th June 2017

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandŵr cymru has reviewed the consultation. This is our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended. Based on the information available we have no comment to make.

Public Response

Following display of a site notice and publicity in the local press no written representations have been received.

Planning History

P/2017/0177 – Outline – Erection of a detached dwelling, formation of vehicular access and all associated works (Refused 03/04/2017).

Principal Planning Constraints

None.

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 - Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 - Economic Development (2014)
Technical Advice Note (TAN) 24 – The Historic Environment (2017)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5- Welsh Language and Culture
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV14- Listed Buildings
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside

HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
DC3 – External Lighting
DC8 – Public Water Supply
DC11 – Non Mains Sewage Treatment
DC13 – Surface Water Drainage

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5

year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The development site is approximately ½ mile northeast of Welshpool which is identified in the UDP as an Area Centre. Welshpool is served by a wide range of community services and facilities including a hospital, secondary school, primary schools, leisure centre, library, museum, numerous shops and public houses. It is also easily accessible by public transport with regular bus services and a main line railway station.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the proposed dwelling is to be detached two storey dwelling with four bedrooms

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwelling will be located approximately 18 metres from the nearest neighbouring residential dwelling to the southeast with the county highway between. Due to the suggested distance and positioning of the property it is not considered that the proposed development will affect the amenities of the neighbouring dwellings.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the planting of additional trees and the relocation of part of the existing hedgerow to create road visibility improvements and the required access. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite to existing dwellings within the area, that landscaping measures would reduce the visual impact and the proposed scale of one dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2058 via an existing access.

The Highway Authority have been consulted on this application and have raised no objections to the development but have suggested a number of conditions regarding entrance gates, parking provision and access construction methods and materials. The application is made with all matters reserved with the site layout plan being provided for indicative purposes only and, as such, the details of the access are not to be determined at

this stage. It is, therefore, not necessary to include the suggested highways conditions on this application.

In light of the Highway Officer's comments it is considered that a safe access can be achieved and the proposed dwelling, therefore, fundamentally complies with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

An Extended Phase 1 Habitat Survey has been submitted with the application and the Powys Ecologist has been consulted on the development and has provided the above comments. A Habitat Regulations Assessment has been undertaken for the proposed development and the outcome concluded that there were no likely significant effects. No objection has been raised to the scheme; however, the inclusion of several conditions has been recommended to secure the recommendations identified in the Habitat Survey, and submission of a Landscaping and Management Plan, an External Lighting Design Scheme, and a detailed method statement for the realignment of the hedgerow. In terms of the landscaping plan it is noted that this is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Built Heritage

The planning authority is required to have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Three listed buildings/structures have been identified within 400 metres of the application site: The bridge over the Montgomeryshire Canal, Buttington Limekilns, and Mount Pleasant.

As part of this application process the Powys Built Heritage Officer has been consulted following a site visit and has provided the comments as above. Taking into account the discussion above in respect of design, it is considered that the proposal would not have an unacceptable adverse effect upon the identified listed buildings/structures or their settings. It is noted that the details of the design will be dealt with at reserved matters stage and, as such, no objections to the proposal has been raised by the officer.

In light of the above and the Built Heritage Officer's comments it is considered that the development fundamentally complies with policy ENV14 of the Powys Unitary Development Plan (2010), Planning Policy Wales (9th Edition, 2016) and Technical Advice Note 24 – The Historic Environment (2017).

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, the submission indicates that this would be disposed of through the use of soakaways. As part of this application process percolation test results have been submitted and the Council's Land Drainage Officer has been consulted. The Officer has no objections to the drainage as proposed.

It is considered that, in light of the Land Drainage Officer's comments, the proposed development fundamentally complies with policy DC13 of the Powys Unitary Development Plan 2010 in respect of surface water drainage.

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Welshpool has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Welshpool Gungrog Ward reported that 11.8% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 13.8% of the population of Welshpool Gungrog spoke Welsh. The development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

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 the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
5. Prior to first occupation of the dwelling, the Recommendations identified in Section 6 of the Extended Phase 1 Habitat Survey Report produced by Arbor Vitae Environment shall be implemented and maintained thereafter.
6. Prior to the commencement of development a detailed method statement for the realignment of the hedgerow which bounds the site along Rhallt Lane shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall also include a timetable for the proposed works and all realignment works shall take place in accordance with the approved details.
7. 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 design scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall thereafter be carried out in accordance with the details as approved.

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 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.
6. 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 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. 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.

Informative Notes

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

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 0845 1300 228 or email enquiries@bats.org.uk.

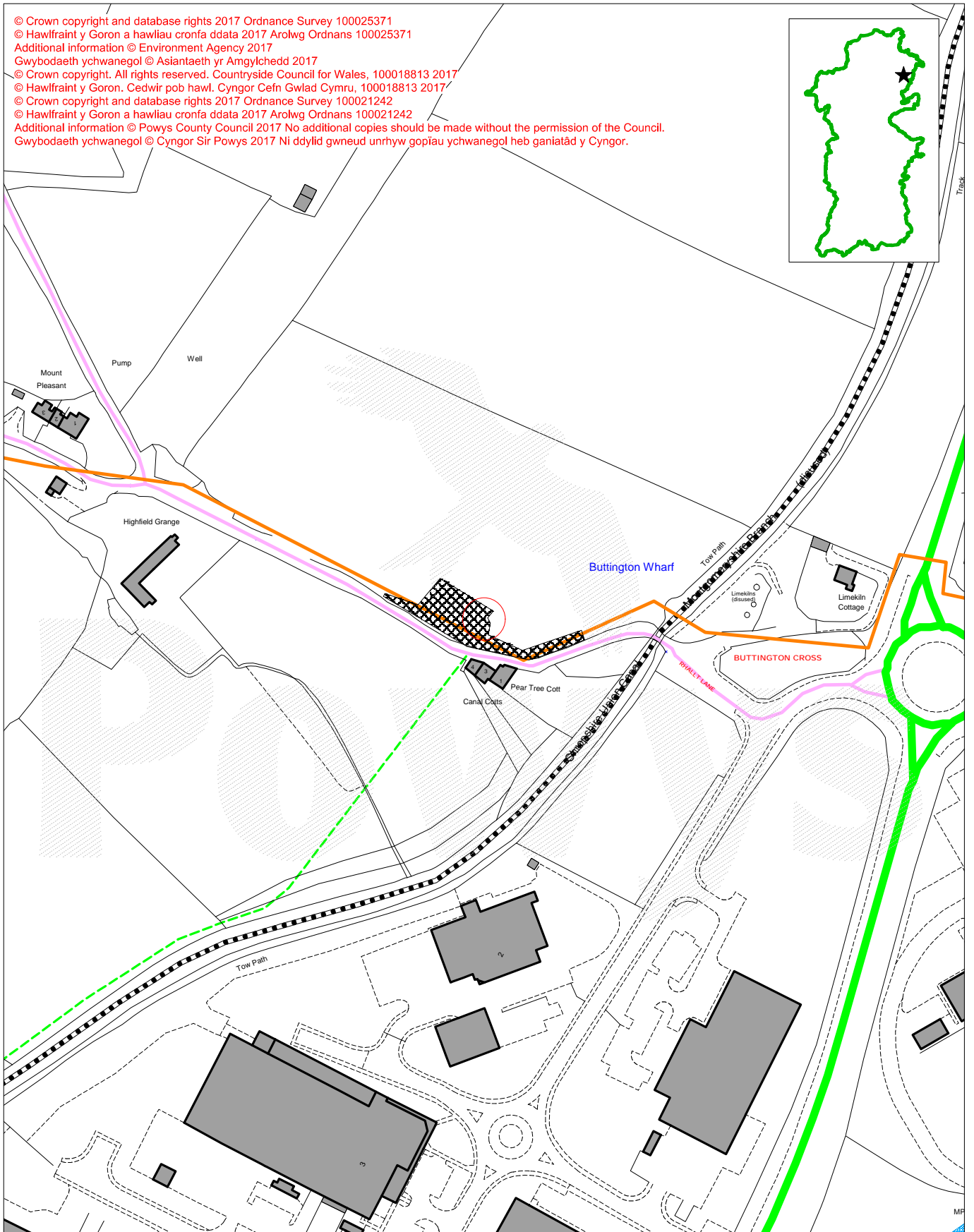
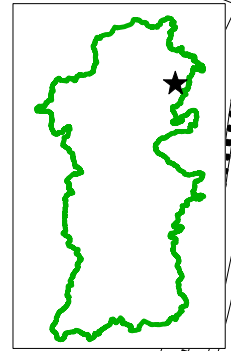
Signed:.....
Rachel Mulholland Planning Officer

Date:

Signed:.....
Principal Planning Officer

Date:

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

6.12

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0670

Grid Ref: 316158.50
292849.37

Community Council: Llandyssil

Valid Date: 13/06/2017
Officer: Rachel Mulholland

Applicant: Mr & Mrs Bebb, Waen, Llanmerewig, Abermule, Montgomery, Powys, SY15 6NR.

Location: Land adjacent to Nant Y Waen, Abermule, SY15 6NR.

Proposal: Erection of two dwellings and installation of sewerage treatment plant (with some matters reserved)

Application Type: Application for Outline Planning Permission

The reason for Committee Determination

The application is to be determined by planning committee as it represents a departure from the development plan and is recommended for approval.

Site Location and Description

The application site lies within the rural settlement of Llanmerewig approximately 1.6 km south of Abermule. The site is to be accessed by a private track which connects to the county highway (C2058) approximately 35 metres to the south. The nearest neighbouring residential property is located approximately 8 metres to the south east. The site has neighbouring dwellings to the southeast and southwest with agricultural fields surrounding.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of 2 dwellings with garages and the installation of a sewerage treatment plant. This outline application considers access only as part of this application all other matters are reserved. An indicative layout of the site and scale of the dwellings proposed are given.

Consultee Response

Abermule with Llandyssil Community Council

No comments received by Development Management at the time of writing this report.

PCC - Highways

Correspondence received 27th July 2017

The County Council as Highway Authority for the County Class III Highway, C2058

Wish the following recommendations/Observations be applied

Recommendations/Observations

- HC1 Any entrance gates 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.
- HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.
- 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 and 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.

In the interests of highway safety.

PCC – Building Control

Correspondence received 22nd June 2017

Please be aware that the proposed development will require Building Regulations approval.

PCC – Environmental Health

Correspondence received 22nd June 2017

Environmental Protection has no objection to this application, subject to NRW consent/exemption for the sewage treatment plant discharge.

PCC – Land Drainage

Correspondence received 27th July 2017

Thanks for consulting the Lead Local Flood Authority regarding this application.

Land Drainage/Flood Risk

Comment: The Authority holds no historical flooding information relating to this site.

Surface Water Drainage

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to soakaways. Further mention is made in the Design & Statement (Water) where it states that surface water will drain to site soakaway trenches and the use of water butts.

No further surface water drainage details/drawings have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

The general soil type for the site location is described as being ‘slowly permeable seasonally wet acid loamy and clayey soils’. Soakage in this type of soil structure may be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site.

The Welsh Government has recently published interim (non statutory) national standards on Sustainable Drainage Systems (SuDS). These standards set out the hierarchy for SuDS and the minimum design criteria on the design, construction, operation and maintenance of such systems serving new developments in urban or rural areas. A copy of the standards and guidance can be downloaded from Welsh Government’s website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government’s SuDS design standards.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The design for the scheme shall follow the principles set out in Welsh Government’s sustainable drainage (SuDS) standard. The approved scheme shall be completed before any dwellings are occupied.

Reason: To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

PCC – Ecologist

Correspondence received 11th July 2017

Thank you for consulting me with regards to planning application P/2017/0670 which concerns the outline application for the erection of two dwellings and installation of sewerage treatment plant (with some matters reserved) at Land Adjacent to Nant Y Waen, Abermule, Montgomery.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 56 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory designated sites within 500m of the proposed development.

There is one non-statutory designated site within 500m of the proposed development:

- Local Wildlife Trust Nature Reserve – Llanmerewig Glebe

Having reviewed the location and nature of the proposed development in relation to the Local Wildlife Trust Reserve (LWTR) it is considered that the proposed development would not result in a negative impact to the LWTR or its associated features.

The site of the proposed development appears to be an area of improved grassland which is a habitat of low ecological value. However, the site has a boundary which appears to be of mature trees which are considered to be of high ecological value – including as linear habitats which is a Powys LBAP habitat. I note from the Design and Access plan:

trees around the edge of the site to be retained

Given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

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 will need to be secured through an appropriately worded condition. 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.

Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost.

All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the *Conservation of Habitats and Species Regulations 2010*.

Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Under Regulation 41 of the 2010 Regulations it is an offence to:

- (1) *deliberately capture, injure or kill any wild animal of a European protected species;*
- (2) *deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—*
 - (a) *to impair their ability—*
 - (i) *to survive, to breed or reproduce, or to rear or nurture their young;*
 - or
 - (ii) *in the case of animals of a hibernating or migratory species, to hibernate or migrate; or*
 - (b) *to affect significantly the local distribution or abundance of the species to which they belong*
- (3) *deliberately take or destroy the eggs of such an animal; or*
- (4) *damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).*

Furthermore that all British bats are protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place.

It is therefore recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during tree works. If bats are encountered on site works should stop immediately and NRW should be contacted.

As a precaution it is recommended that the following sensitive felling procedure be implemented to minimise disturbance to bat populations.

Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.

If the tree trunk is smaller than 200mm diameter and if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (ie avoiding the bird breeding season).

To avoid disturbing nursery roosts, work will never be carried out between June and August inclusive.

If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should only be cut only in September and October when bats, including young are still mobile and able to fly-out.

Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.

Where the loss of mature trees is unavoidable, compensatory planting with appropriate locally native species, preferably of local provenance, should be undertaken.

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition. I note from the Design and access statement:

Additional native and hedge planning is proposed

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

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

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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 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 Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval 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 SP3, ENV3 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.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

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

Should you be minded to approve the application I recommend inclusion of the following informatives:

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

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.

Cadw

Correspondence received 5th July 2017

Thank you for your letter of 15 June 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance.

PPW explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or

not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Clwyd Powys Archaeological Trust

Correspondence received 19th June 2017

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

Natural Resources Wales

Correspondence received 23rd June 2017

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 19/06/2017.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

Protected Species

Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). We advise that you should consult your internal ecologist with regards to the potential impact of the proposed development on the favourable conservation status of the populations of bats.

If any mature trees will need to be felled as part of the scheme. All trees that need to be felled should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year.

Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with

Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Public Response

Following display of a site notice and publicity in the local press one phone call was received objecting to the development and the individual was advised to submit a written representation; however, no written representations have been received.

Planning History

None.

Principal Planning Constraints

None.

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)

Technical Advice Note (TAN) 2 - Planning and Affordable Housing (2006)

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

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

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

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

Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)

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

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Local Policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5- Welsh Language and Culture
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
DC3 – External Lighting
DC8 – Public Water Supply
DC11 – Non Mains Sewage Treatment
DC13 – Surface Water Drainage

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010) and is within the rural settlement of Llanmerewig. Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the

proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llanmerewig is a rural settlement approximately 1 mile south of Abermule which is identified in the UDP as a key settlement. Abermule is served by a range of community services and facilities including a primary school, village shop, community centre and two public houses. It is also easily accessible by public transport with regular bus services to Llanidloes, Montgomery, Newtown, Rhayader, Shrewsbury and Welshpool. The application site is located approximately 4 miles from Newtown and 7 miles from Montgomery.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential

development at this location given its siting within an existing rural settlement. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the two dwellings proposed are to be detached two storey dwellings with three bedrooms each.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating two dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the dwelling to the southeast of the proposed site would be located approximately 8 metres distant from the nearest neighbouring residential property known as Nant Y Waen. Although this is a relatively short distance this is the distance to the neighbouring property's attached garage, the indicative layout also shows that the dwelling is at an offset angle and it is considered that there is sufficient distance between the existing property and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of this neighbouring property.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the retention of the existing trees around the edge of the site and proposes additional native species tree and hedgerow planting. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite and adjacent to existing dwellings within the settlement, that landscaping measures would reduce the visual impact and that the proposed scale of two dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2058 via an existing access.

The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding entrance gates, parking provision and access construction methods and materials.

In light of the Highway Officer's comments, and subject to the suggested conditions, it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

No ecological information has been submitted with the application; however, the Powys Ecologist has been consulted on the development and has provided the above comments. No objection has been raised to the scheme subject to the inclusion of conditions securing the submission of a Tree and Hedgerow Protection Plan, a detailed lighting design scheme and a detailed landscaping scheme.

It is noted that landscaping is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting and hedgerow protection, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Foul Drainage

Given the location of the site, it is accepted that it is not feasible for the proposed dwelling to connect to the public foul sewerage system. As such, it is proposed to dispose of foul sewage via a sewage treatment plant. The Council's Environmental Health Department have been consulted on this application and have no objections to this. It is also considered that the detail of the proposed system can be appropriately managed through the submission of additional details at reserved matters stage and, on this basis, it is considered that the proposal is in compliance with the UDP Policy DC11.

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, the submission indicates that this would be disposed of through the use of soakaways. No further drainage details or drawings have been submitted. As part of this application process the Council's Land Drainage Officer has been consulted. We have received comments in response which considers flood risk and surface water potential arising from the proposed development. No historic flooding information relating to the site is held by the authority and no further concerns have been raised by the officer in this respect. The proposed soakaway system for surface water runoff is noted by the land drainage officer and further details in the form of a drainage scheme have been sought by the inclusion of a condition upon any grant of consent.

Officers consider that subject to the suggested condition the proposed development fundamentally complies with policy DC13 of the Powys Unitary Development Plan 2010 in respect of surface water drainage.

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst neither Llanmerewig nor Abermule are identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Dolforwyn Ward reported that 13.9% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 14.2% of the population of Dolforwyn spoke Welsh. The development of two dwellings in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

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.

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

Subject to future consideration of the design and the implementation of landscaping measures, it is considered that the proposal would not result in an unacceptable adverse impact upon the surrounding landscape or public vantage points or the amenities enjoyed by the occupants of neighbouring properties. In addition, subject to the use of conditions, the proposal would make adequate provision for surface water flood risk and drainage, highway access and parking.

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is 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 XXXX in so far as the extent of the application site is drawn.
5. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to and agreed in writing by the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
6. Prior to the first use of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented as approved and maintained thereafter.
7. Any entrance gates 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.
8. Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.
9. 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 and 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.

10. 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.
11. Prior to commencement of development a scheme for the surface water drainage of the site shall be submitted to and agreed in writing by the Local Planning Authority. The design for the scheme shall follow the principles set out in Welsh Government's sustainable drainage (SuDS) standard. The approved scheme shall be completed prior to the first occupation of any dwelling and retained thereafter.

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 ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
6. 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
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. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

Informative Notes

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

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 0845 1300 228 or email enquiries@bats.org.uk.

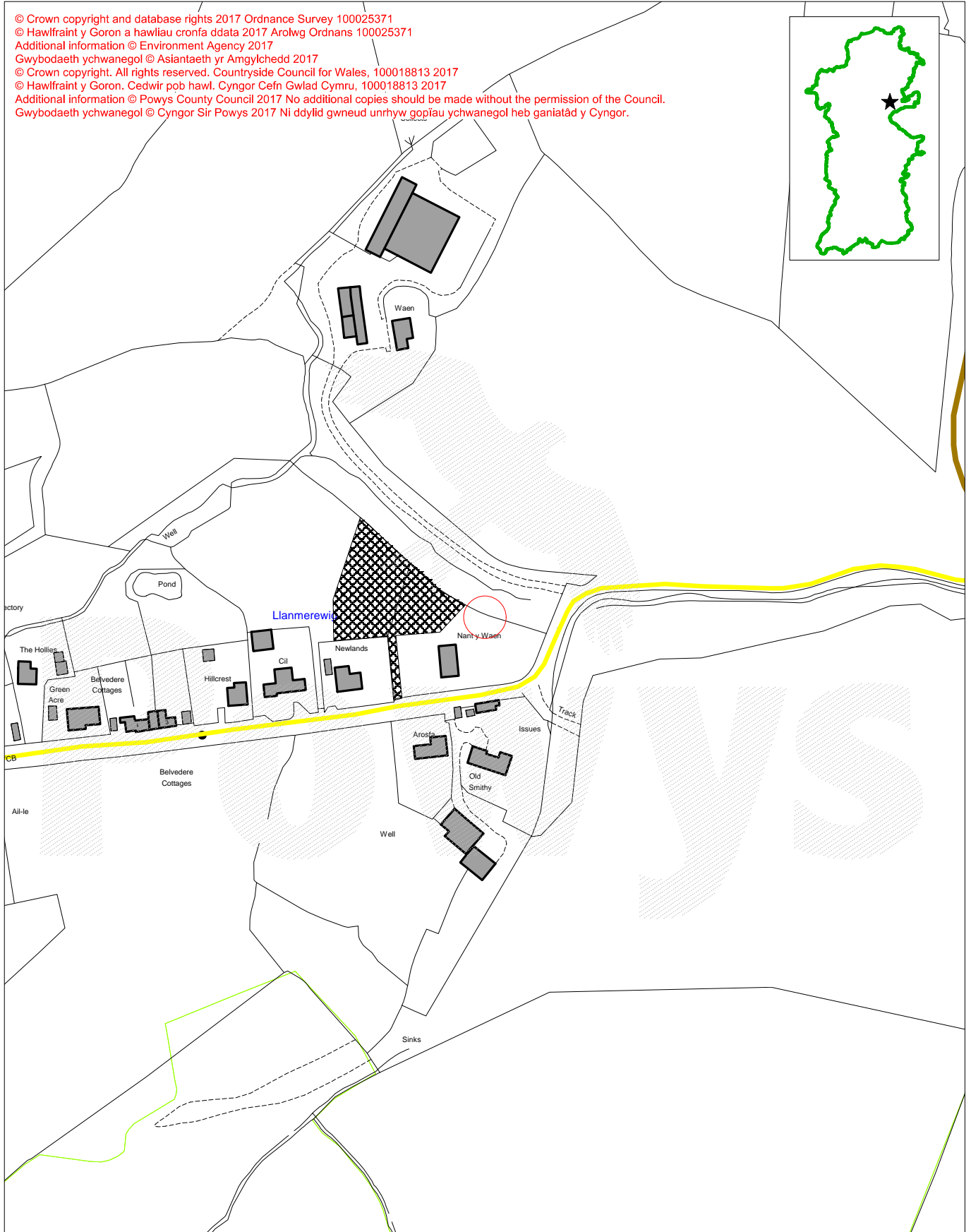
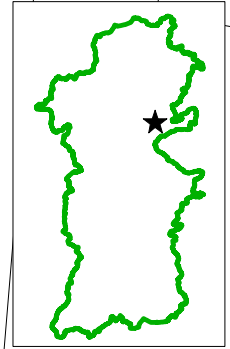
Signed:.....
Rachel Mulholland Planning Officer

Date:

Signed:.....
Principal Planning Officer

Date:

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

6.13

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	TREE/2017/0025	Grid Ref:	317182.44 237423.11
Community Council:	Gwernyfed	Valid Date:	Officer: 17/07/2017 Thomas Goodman
Applicant:	Powys County Council, Cambrian Way, Neuadd Brycheiniog, Brecon, LD3 7HR		
Location:	Land at Ysgol Uwchradd Gwernyfed, Three Cocks, Brecon, LD3 0SG		
Proposal:	Application for works to a tree subject to a tree preservation order		
Application Type:	Works to trees subject to a TPO and/or Notification of proposed works to trees in conservation areas		

The reason for Committee determination

The applicant is Powys County Council and therefore, in accordance with the planning protocol, the application is required to be determined by the Planning, Taxi Licensing and Rights of Way Committee.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010). To the south east and south west are residential properties, to the north is public open space and the grounds of Gwernyfed School. Tree Preservation Orders bound the entire field and are secured under the TPO known as Gwernyfed School/Park, Three Cocks.

Consent is sought to carry out works to a tree that is subject to a Tree Preservation Order. The works include the removal of the tree stump from the centre of the watercourse and some minor clearance to trees.

Consultee Response

Gwernywed CC

The Community Council were grateful that the works to remedy the collapsing path were progressing and have no objection to this application.

Representations

No representations have been received at the time of writing this report.

Planning History

None as per GIS

Principal Planning Constraints

Flood Zone
Historic Landscapes Register Outstanding
TPO: Gwernyfed School/Parks, Three Cocks

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 10 – Tree Preservation Orders (1997)

Tree Preservation Orders: A Guide to Law and Good Practice

Local planning policies

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV8 – Tree Preservation Orders

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.

Principle of Development

Government guidance advises that in considering applications for proposed tree works the planning authority are advised:

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of the assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

They are advised to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions. In general terms it follows that the higher the

amenity value of the tree or woodland the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted.

In order to justify the works, a method statement has been provided outlining the hazards identified should no work progress. The hazards include the tree falling into the watercourse, the tree in its current state is forcing the watercourse into the righthand bank and is eroding the bank and causing damage. The tree is located within close proximity of a footpath which is utilised by students during term time. Therefore in this instance there is a risk to public safety. The proposed works will alleviate the risks to public safety.

The proposed works are to completely remove the tree as it is noted of being at risk of falling and potentially causing damage to pathways.

Under Section 206 of the Town and Country Planning Act 1990 the landowner is under a duty to replace a tree:

“(1) If any tree in respect of which a tree preservation order is for the time being in force-
(a) Is removed, uprooted or destroyed in contravention of the order, or
(b) Except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of section 198(6)(a),

It shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(4) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.”

“The same place” means the position defined in the TPO by reference to the description in the 1st Schedule and the map. It is noted that the TPO “Gwernyfed School/Park, Three Cocks” covers a large area and comprises a large range of trees. It is considered that in this instance that the loss of a single tree covered in a large area of a TPO would not cause a detrimental impact upon the amenity of the area, therefore in this instance it is considered that it would be acceptable for no re-planting to take place.

As the proposals are for maintenance and health and safety purposes due to the close proximity of the trees to properties, footpaths and public highways, it is acknowledged that the works appear to be justified in this instance.

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

It is recommended that the proposed works shall be allowed to go ahead subject to the following conditions as set out.

1. The works hereby approved shall be carried out within two years from the date of this decision

Informative Notes

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.

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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

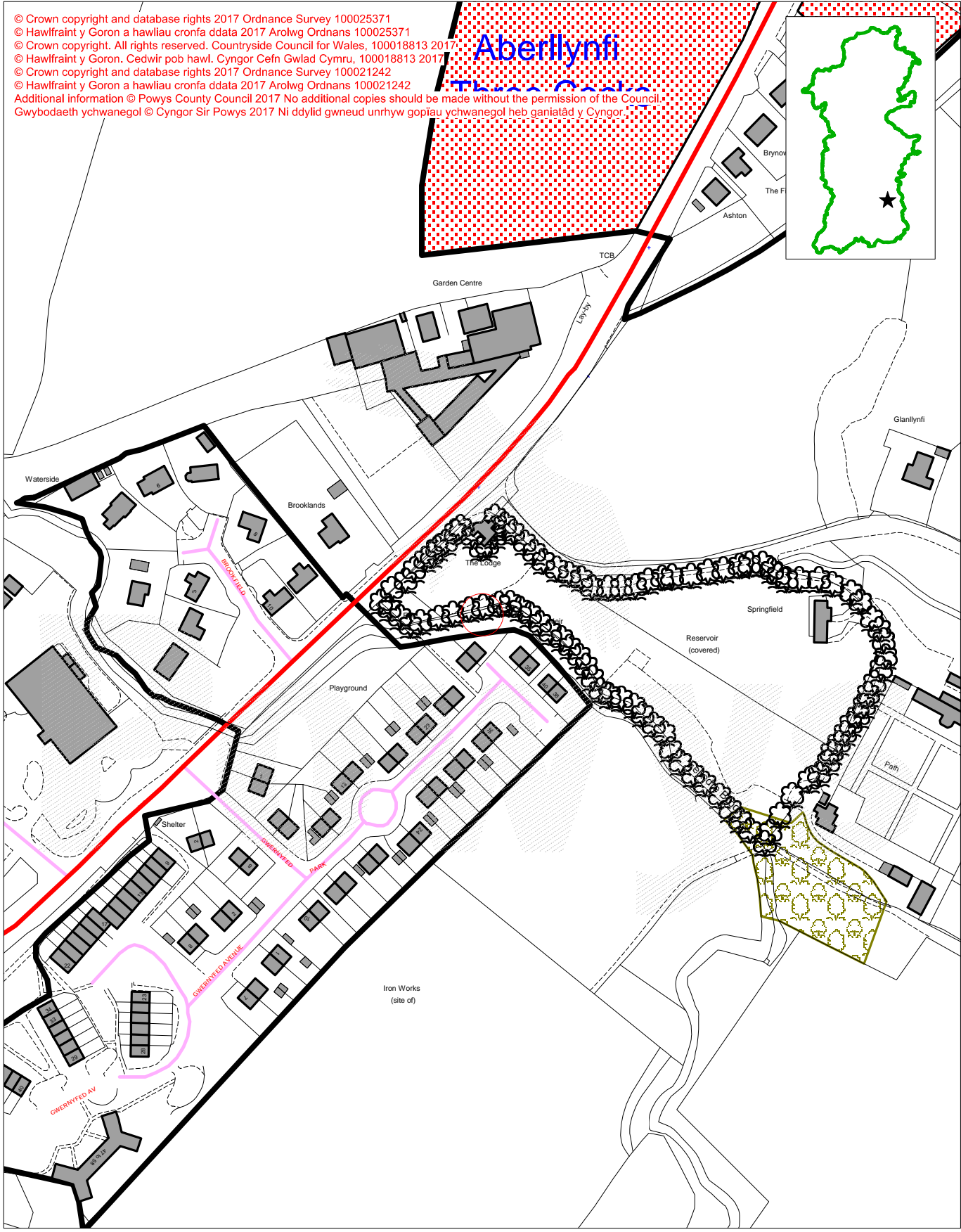
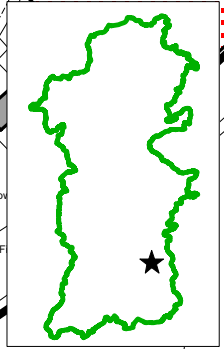
Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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Aberllynfi

Three Cocks



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Delegated List

13/07/2017**16/08/2017**

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

FOR INFORMATION
Decisions of the Head of Regeneration, Property & Commissioning on
Delegated Applications

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0453 HOUS	24/05/2017	CONSENT	14/07/2017	Householder: Demolition of existing store room, erection of extensions and all associated works	High Spur Boughrood Brecon LD3 0BQ
P/2017/0630 HOUS	09/06/2017	CONSENT	14/07/2017	Householder: Erection of a garage and private vehicle workshop to replace existing garage.	3 Boughrood Woodlands View Brecon LD3 0TH

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0018 FULL	13/01/2017	CONSENT	17/07/2017	Full: Change of use of agricultural field to events / showground and alterations to access	Land Adjacent to A470, adjoining Llwyn-Afon Caersws SY17 5DZ
P/2017/0068 HOUS	17/02/2017	CONSENT	17/07/2017	Erection of two storey extension. Demolition and erection of barn for domestic storage	Dolyfardyn Fawr Cefn Coch Welshpool SY21 0AZ
P/2017/0550 ADV	23/05/2017	CONSENT	17/07/2017	Application for consent to display 1no. fascia sign and 1no. projecting sign (non-illuminated)	Carlton House Middleton Street Llandrindod Wells LD1 5ET
P/2017/0546 CLA1	23/05/2017	APPROVE	18/07/2017	Section 191 Application for lawful development certificate to confirm use class	1 Bridge Street Knighton LD7 1BT
P/2016/1135 FULL	10/11/2016	CONSENT S106	19/07/2017	Erection of rural enterprise dwelling, installation of septic tank and associated works	Plot at Gwern Tyddyn Llangurig Llanidloes SY18 6QB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2016/1247 FULL	23/12/2016	CONSENT	19/07/2017	Erection of a free range egg production unit including silos and all associated works	Land at Pertheirin Pontdolgoch Caersws SY17 5NJ
P/2017/0346 LBC	06/04/2017	CONSENT	19/07/2017	Listed Building Consent - Alterations and erection of a single storey extension	Mount Street 1 Park Terrace Welshpool SY21 7LL
P/2017/0457 LBC	25/05/2017	CONSENT	19/07/2017	Listed building consent for internal and external alterations and refurbishment works	Newcastle Court Evancoyd Presteigne LD8 2PA
P/2017/0482 HOUS	16/05/2017	CONSENT	19/07/2017	Householder: Erection of a single storey extension to the rear	Tanpenygarnedd Pen-y-Bont-Fawr Oswestry SY10 0PE
P/2017/0523 HOUS	24/05/2017	CONSENT	19/07/2017	Householder: Single storey extension to dwelling.	Westmead School Lane Montgomery SY15 6QA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0547 HOUS	31/05/2017	CONSENT	19/07/2017	Householder: Erection of a two storey side extension	Yew Tree Farm Guilsfield Geuffordd Welshpool SY21 9DP
P/2017/0553 REM	16/05/2017	CONSENT	19/07/2017	Section 16 application to vary condition no. 3 attached to Listed building consent P/2017/0174 to allow removal of internal wall	The Byre Barn Boughrood Brecon LD3 0YG
P/2017/0577 FULL	19/05/2017	CONSENT	19/07/2017	Full: Improvements to forestry access	Land at Esgair Dafydd Forest Nr Llanwrtyd Wells
P/2017/0587 FULL	24/05/2017	CONSENT	19/07/2017	Full: Change of use of ground floor from offices to residential use	17 Old Kerry Road Newtown SY16 1BN
P/2017/0610 OUT	31/05/2017	REFUSE	19/07/2017	Outline: Erection of agricultural workers dwelling, vehicluar access and installation of septic tank (with some matters reserved)	Land at Buck Hall Llangunllo Knighton LD7 1TB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0627 FULL	08/06/2017	CONSENT	19/07/2017	Full: Installation of domestic heating installation with external balanced flue	Kingdom Hall Flat 2 Gungrog Road Welshpool SY21 7EF
P/2017/0334 FULL	28/03/2017	CONSENT	20/07/2017	Full: Erection of an agricultural livestock building	Court Calmore Hysington Montgomery SY15 6HQ
P/2017/0461 CLA1	26/04/2017	REFUSE	20/07/2017	Section 191 application for lawful development certificate of existing use in relation to a breach of occupancy restriction condition.	Little Meadow Kerry Newtown SY16 4DU
P/2017/0558 HOUS	06/06/2017	CONSENT	20/07/2017	Householder: Erection of a single storey extension to enlarge kitchen.	The Arches Llandyssil Montgomery SY15 6LF
P/2017/0575 HOUS	26/05/2017	CONSENT	20/07/2017	Householder: Erection of a two storey extension and demolition of existing	2 Midland Terrace Gurnos Swansea SA9 1BZ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0626 FULL	12/06/2017	CONSENT	20/07/2017	Full - Removal and replacement of agricultural building	Brook House Shleve Appletree Shrewsbury SY5 0JP
P/2017/0597 REM	25/05/2017	CONSENT	21/07/2017	Section 73 application in regards to condition 2 of approved application P/2015/1262 to vary the approved plans	Land off Fisher Road Buttington Offas Dyke Business Park Welshpool SY21 8JF
P/2017/0524 HOUS	31/05/2017	CONSENT	25/07/2017	Householder: Creation of new access.	1 Garth Terrace Penybont Road Knighton LD7 1HB
P/2017/0616 RES	01/06/2017	CONSENT	25/07/2017	Reserved matters application relating to proposed dwelling following outline approval P/2016/0271	Land adj. to Folly Cottage Rhosgoh Builth Wells LD2 3JY
P/2017/0261 HOUS	01/06/2017	CONSENT	26/07/2017	Householder: (Retrospective) Installation of 2 no. external flues to a property in a Conservation Area	Hen Blas Salop Road Welshpool SY21 7ER

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0613 HOUS	25/05/2017	CONSENT	26/07/2017	Householder: Erection of a single storey rear extension	Ysgubor Gelli Golfa Welshpool SY21 9BB
P/2016/0862 FULL	19/08/2016	CONSENT	27/07/2017	Conversion of barn to residential dwelling and installation of a package treatment plant	Scafell Holding Rural Building on Mainford Road Newtown SY16 3HQ
P/2017/0229 FULL	12/04/2017	CONSENT	27/07/2017	Full: Erection of 2 no. holiday log cabins together with formation of access road	Bedw Gwilym Aberhafesp Bryn Lane Newtown SY16 3LX
P/2017/0489 HOUS	23/05/2017	CONSENT	27/07/2017	Householder: Erection of a single storey extension and garage with roof terrace.	Four Winds Newbridge-On-Wye Llandrindod Wells LD1 6LG
P/2017/0598 FULL	07/06/2017	CONSENT	27/07/2017	Full: Change of use of land from agriculture to equestrian, and the creation of a horse gallop	Willow Croft Llanigon Hereford HR3 5PN

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P/2017/0612 ADV	28/06/2017	CONSENT	27/07/2017	Consent to display 1 fascia sign and 1 hanging sign	Ystradgynlais 24 Station Road SA9 1NT
P/2017/0657 HOUS	13/06/2017	CONSENT	27/07/2017	Householder: Single storey rear extension with flat roof and extension to existing rear extension including removal of conservatory.	37 Ystradgynlais Rhestr Fawr SA9 1LS
P/2017/0677 FULL	23/06/2017	CONSENT	27/07/2017	Full: Replace existing UPVC windows with commercial roller shutter doors and all associated works	The MOT Centre Ystradgynlais Trawsford Road Swansea SA9 1DT
P/2016/0899 LBC	19/08/2016	REFCADW	28/07/2017	Conversion of barn to residential dwelling	Rural Building on Land at Scafell Holding Milford Newtown SY16 3HQ
P/2017/0522 HOUS	20/06/2017	CONSENT	28/07/2017	Householder: Extend conservatory to being a victorian design to a P at the rear of the property.	22 Llys Rhufain Caersws SY17 5HY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0591 FULL	05/06/2017	CONSENT	28/07/2017	Full: Conversion and extension of outbuilding to form a residential dwelling and associated alterations, including installation of a new package treatment plant	Outbuilding at Caethygly Berriew Welshpool SY21 8BG
P/2017/0660 HOUS	13/06/2017	CONSENT	28/07/2017	Householder: Erection of a first floor extension and enlargement of parking area.	12 Westerlands Fron Hafren Newtown SY16 2EJ
P/2017/0364 FULL	05/04/2017	CONSENT	31/07/2017	Full: Erection of an agricultural building	The Barns Pool Road Wern Ddu Lane Newtown SY16 3DN
P/2017/0624 FULL	08/06/2017	CONSENT	31/07/2017	Full: Change of use of land from agricultural to extend domestic curtilage. Construction of detached garage and workshop/artist studio	Cwmgwineuddu Llanafanfawr Builth Wells LD2 3PE
P/2017/0160 OUT	17/02/2017	REFUSE	01/08/2017	Outline: Erection of two dwellings, creation of new accesses, demolition of existing barns and associated works	Old Sawmill Site Erwood Builth Wells LD2 3PQ

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P/2017/0638 FULL	14/06/2017	CONSENT	01/08/2017	Full - Erection of a steel portal framed agricultural building	Glog Farm Llaithddu Llandrindod Wells SY16 4BW
P/2017/0220 HOUS	27/02/2017	CONSENT	02/08/2017	Householder - Proposed side and rear two storey extension	Troedyrharn Garthbreny LD3 9TN
P/2017/0443 FULL	25/04/2017	REFUSE	02/08/2017	Full - Proposed 3 glamping pods and 8 tourers on existing pitches	Spring Rock Llandegley Llandrindod Wells LD1 5UE
P/2017/0641 HOUS	13/06/2017	CONSENT	02/08/2017	Householder: Extension and alterations to existing dwelling.	Y Cwm Abermule Montgomery SY15 6JH
P/2017/0644 FULL	07/06/2017	CONSENT	02/08/2017	FULL: Erection of pullet rearing unit, associated silos and associated works	Plasiolyn Llanfair Caereinion Welshpool SY21 0DJ

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P/2017/0099 FULL	23/01/2017	CONSENT	03/08/2017	Full: Creation of a Bus parking depot to include, portakabin, fuel tank and hardstanding.	Vastre Industrial Estate Heol Vastre Newtown SY16 1DZ
P/2017/0552 HOUS	02/06/2017	CONSENT	03/08/2017	Householder: Erection of stable building	Bwlchau Isaf SY22 6XG
P/2017/0592 CLA2	05/06/2017	APPROVE	03/08/2017	Section 192 application regarding alterations to the roof and windows of an existing conservatory	The Lodge Aberhafesp Newtown SY16 3HL
P/2017/0617 LBC	07/06/2017	REFUSE	03/08/2017	LBC: Ground floor internal structural alterations to remove section of chimney and install new support structure	11 Bryn Street Newtown SY16 2HW
P/2017/0650 LBC	08/06/2017	REFCADW	03/08/2017	Listed building consent for removal of existing Natwest brand signage, night safe and ATM together with internal alterations to remove non-original fixtures, fittings, furniture and equipment relating to the operation of the branch	National Westminster Bank West Street Builth Wells LD2 3AH

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P/2017/0652 FULL	08/06/2017	CONSENT	03/08/2017	FULL: Alterations involving removal of existing Natwest brand signage, night safe and ATM	National Westminster Bank West Street Builth Wells LD2 3AH
P/2016/1028 OUT	04/10/2016	CONSENT	07/08/2017	Outline application for the development of 9no. dwellings and a road wideining scheme with access and layout with some matters reserved.	Land adjacent to Brynhafod Llanbadarn Fynydd Llandrindod Wells LD1 6YF
P/2017/0601 HOUS	26/05/2017	CONSENT	07/08/2017	Householder: Proposed infill between existing dwelling and shed	Lawnswood Aberhafesp SY16 3HN
P/2017/0645 CLA1	08/06/2017	REFUSE	07/08/2017	Application for certificate of lawfulness for an existing use in breach of a planning condition attached to planning permissions M7562 & M7987 (agricultural occupancy restriction)	Haulfryn Carno Caersws SY17 5JY
P/2017/0666 FULL	13/06/2017	CONSENT	07/08/2017	Full: Demolition of existing building and erection of replacement machinery store/workshop	The Gaer Forden Welshpool SY21 8NR

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P/2017/0664 FULL	13/06/2017	CONSENT	08/08/2017	Full: Erection of Agricultural building for housing of cattle.	Tynyfelin Dolau Llandrindod Wells LD1 5TL
P/2017/0384 RES	26/04/2017	CONSENT	09/08/2017	Application for reserved matters in respect of outline permission P/2015/0197 for erection of 5 dwellings, creation of vehicular access and infrastructure improvements	Development at Graig Wen Newtown SY16 3BH
P/2017/0683 CLA1	15/06/2017	APPROVE	09/08/2017	Certificate of lawfulness for a proposed use to establish that planning permission B/07/0169 has been lawfully commenced and to allow the proposed development to continue	Aberannell Barns Beulah Llanwrtyd Wells LD5 4UA
P/2016/0679 LBC	04/07/2016	CONSENT	10/08/2017	LBC: (retention of) renovation of dwelling to include replacement windows, replacement of porch and associated works	Craffryn Dolau Llandrindod Wells LD1 5TD
P/2017/0317 LBC	21/04/2017	CONSENT	11/08/2017	LBC: Alterations to remove part of internal wall to create larger opening. Alterations and dismantling of existing lean-to to include construction of new walls, installation of new windows, french doors, roof with velux windows, flooring and extension	Salop Road 2 Waterloo Terrace Welshpool SY21 7HD

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P/2017/0625 HOUS	01/06/2017	CONSENT	11/08/2017	Householder: Erection of a conservatory to rear replacing an existing raised decking area.	5 Goylands Close Llandrindod Wells LD1 5RB
P/2017/0689 HOUS	20/06/2017	CONSENT	11/08/2017	Householder: Erection of a side extension over existing attached garage.	110 Little Henfaes Drive Welshpool SY21 7BA
P/2017/0289 FULL	21/03/2017	CONSENT	14/08/2017	Full: Change of use of first, second and third floors from offices to 6 residential apartments	1 High Street Llandrindod Wells LD1 6AG
P/2017/0561 HOUS	30/05/2017	CONSENT	14/08/2017	Householder: Erection of an extension to provide additional dining area to the dwelling.	Llwyn-garth Barn Llanfihangel Bryn Pabuan Builth Wells LD2 3PP
P/2017/0622 FULL	19/06/2017	CONSENT	14/08/2017	Full: Change of use of the land to extend domestic curtilage and to construct a single storey extension to provide two additional bedrooms and an ensuite.	Meadowside Llanddewi Llandrindod Wells LD1 6SN

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P/2017/0395 OUT	11/04/2017	CONSENT	15/08/2017	Outline: Erection of an affordable dwelling with garage, installation of septic tank and all associated works	Land adj. Ponderosa Burgedin Llanymynech SY22 6QL
P/2017/0619 OUT	08/06/2017	CONSENT	15/08/2017	Outline: Application for affordable dwelling with detached garage and vehicular access and installation of septic tank and all associated works	Land adj Crib Y Gwynt Meifod SY22 6XX
P/2017/0629 FULL	05/06/2017	CONSENT	15/08/2017	Full - Change of use of land to equestrian to include formation of outdoor horse exercise area	Glanrafon Pen-y-bont-fawr Oswestry SY10 0EL
P/2017/0665 FULL	12/06/2017	CONSENT	15/08/2017	Full: Erection of an agricultural building to store manure/slurry together with extension to existing poultry unit and all associated works	land at Gorn The Gorn Llanidloes SY18 6LA
P/2017/0668 FULL	19/06/2017	CONSENT	15/08/2017	Full: Siting of an 80m high anemometry mast for a temporary period of 3 years and associated works (retrospective)	Land at Mynydd Nant Carfan north of Llanbrynmair SY19 7EA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0869 CLA2	26/07/2017	REFUSE	15/08/2017	Section 192 application for a certificate of proposed development in relation to changing the windows on the front elevation	The Gables Llandinam SY17 5BY