

# Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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



Dyddiad y Cyfarfod  
**Dydd Iau, 26 Hydref 2017**

Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

Amser y Cyfarfod  
**9.30 am**

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

19/10/2017

## AGENDA

### 1. YMDDIHEURIADAU

Derbyn ymddiheuriadau am absenoldeb.

### 2. COFNODION Y CYFARFOD BLAEOROL

Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 5 Hydref, 2017 fel cofnod cywir.

(Tudalennau 1 - 16)

### Tacsis a thrwyddedu eraill

### 3. DATGANIADAU O DDIDDORDEB

Derbyn datganiadau o ddiddordeb mewn perthynas a'r ddau eitem nesaf ar yr Agenda.

### 4. AMODAU TRWYDDED CERBYDAU

Ystyried adroddiad ar amodau trwydded cerbydau.

(Tudalennau 17 - 36)

### 5. FFFIOEDD TRWYDDEDU TACSIS

Ystyried ffioedd arfaethedig trwyddedu taccsis.

(Tudalennau 37 - 42)

## Cynllunio

### 6. DATGANIADAU O DDIDDORDEB

- a) Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau yn ymwneud ag eitemau i'w hystyried ar yr agenda.
- b) Derbyn ceisiadau Aelodau bod cofnod yn cael ei wneud o'u haelodaeth ar gynghorau tref neu gymuned lle mae trafodaeth wedi digwydd ar faterion i'w hystyried gan y Pwyllgor hwn.
- c) Derbyn datganiadau gan Aelodau o'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' mewn perthynas â chais 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 'Cynrychiolydd Lleol' mewn perthynas â chais unigol sy'n cael ei ystyried gan y Pwyllgor.

### 7. CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.

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

(Tudalennau 43 - 48)

#### 7.1. Diweddariadau

Bydd unrhyw ddiweddariadau yn cael eu hychwanegu i'r Agenda, fel Pecyn Atodol, lle bynnag bo hynny'n bosibl, cyn y cyfarfod.

(I ddilyn)

#### 7.2. P/2017/0708 Tir yn Ffermt Ty'n y Bryn, Tregynon, Y Drenewydd, Powys, SY16 3PG

(Tudalennau 49 - 66)

#### 7.3. P/2017/0119 Maes Carafanau Wyese, Rhaeadr Gwy, Powys, LD6 5LB

(Tudalennau 67 - 112)

#### 7.4. P/2016/1145 Safle wrth ymyl Cae Eithin, Lon Cefnlllys, Llandrindod, Powys, LD1 5LE

(Tudalennau 113 - 144)

- 7.5. **P/2017/0604 Tir wrth ymyl Parc Gwyliau Seven Oaks, Crewgreen, Powys SY5 9AS**  
(Tudalennau 145 - 164)
- 7.6. **P/2017/0420 Tir wrth ymyl Oldcastle Avenue, Cegidfa, Y Trallwng Powys SY21 9PA**  
(Tudalennau 165 - 186)
- 7.7. **P/2017/0812 Datblygiad yn Fferm Bryngroes, Ystradgynlais, SA9 1LF**  
(Tudalennau 187 - 202)
- 7.8. **P/2017/0688 Tir wrth ymyl Waen Meadows, Waen Trederwen, Llansantffraid-ym-Mechain, Powys, SY22 6SZ**  
(Tudalennau 203 - 224)
- 7.9. **P/2017/0825 Tir yng Nghynefin, Penrhos, Llanymenech, Powys, SY22 6QB**  
(Tudalennau 225 - 242)
- 7.10. **P/2017/0259 Maes Carafannau Riverside, Llangamarch, Powys, LD4 4EP**  
(Tudalennau 243 - 256)
- 7.11. **P/2017/0571 Cam 2, Tir wrth ymyl Stryd Parc Brynderw, Llanrhaeadr Ym Mochnant Croesoswallt SY10 0JJ**  
(Tudalennau 257 - 276)
- 7.12. **P/2017/0667 Fferm Gaufron, Hawy, Llandrindod, Powys LD1 5RG**  
(Tudalennau 277 - 342)
- 7.13. **P/2017/0765 Dyfnant, Llanidloes, Powys, SY18 6HR**  
(Tudalennau 343 - 360)
- 7.14. **P/2017/0766 Dyfnant, Llanidloes, Powys, SY18 6HR**

(Tudalennau 361 - 378)

7.15. **P/2017/0942 Tir yn Pigeon House, Trewern, Y Trallwng, Powys SY21 8EE**

(Tudalennau 379 - 396)

7.16. **P/2017/0949 Hill Cottage, Treberfedd, Y Trallwng, Powys, SY21 8DJ**

(Tudalennau 397 - 414)

7.17. **P/2017/0730 Tir dros Afon Carno, rhwng Talerddig a Charno, Powys**

(Tudalennau 415 - 432)

7.18. **P/2017/0845 11 Burgess Croft, Y Trallwng, Powys, SY21 7RJ**

(Tudalennau 433 - 444)

<b>8.</b>	<b>PENDERFYNIADAU'R PENNAETH GWASANAETHAU ADFYWIO A RHEOLEIDDIO AR GEISIADAU DIRPRWYEDIG</b>
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Derbyn rhestr o benderfyniadau a wnaed gan y Pennaeth Gwasanaethau Adfywio a Rheoleiddio o dan bwerau dirprwyedig.

(Tudalennau 445 - 460)

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - NEUADD MALDWYN, WELSHPOOL, POWYS ON THURSDAY, 5 OCTOBER 2017**

## PRESENT

County Councillor D R Price (Chair)

County Councillors M Barnes, K Lewis, L V Corfield, H Hulme, 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 and J Williams

<b>1.</b>	<b>APOLOGIES</b>
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Apologies for absence were received from County Councillors L George, P Roberts and R Williams.

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 14 September, 2017.

<b>Rights of Way and other issues</b>
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<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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County Councillor H Hulme declared an interest in Item 5 – Application to register a new Town or Village Green on land at Aberhafesp [16-001VG], as she is the local member for the ward.

<b>4.</b>	<b>APPLICATIONS TO REGISTER A NEW TOWN OR VILLAGE GREENS – METHOD OF DETERMINING APPLICATIONS</b>
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The Committee received the Head of Leisure and Recreation's report on the method of determining applications to register a new Town or Village Green under section 15 of the Commons Act 2006.

When officers have accepted that an application "as being duly made" and advertised in the correct way and the correct time period, the Council must formally determine the application, on the basis of the legal criteria and available evidence. This is a 'quasi-judicial' role. The Committee was asked to agree the general approach for considering applications, to ensure consistency.

The Committee noted that if the Local Member for the ward affected by the application was a Member of the Planning, Taxi Licensing and Rights of Way Committee, they must not take part in the formal determination of the application. In response to questions regarding where this decision was made the Definitive Map and Commons Registration Officer advised that this was based on legal guidance based on case law relating to cases considered by other local authorities, where it was found that local members could potentially unduly influence a Committee considering an application rather than the Committee

considering the evidence. The Solicitor agreed to review whether this was within the Council's protocol.

The Definitive Map and Commons Registration Officer advised that an independent inspector would be appointed to hold the hearing in exceptional circumstances, such as, if the Council was the landowner or the case was particularly complex.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the approach under points 1 - 4(b) inclusive, as set out in the report which is filed with the signed minutes, be outlined to applicants and other interested parties as the way in which applications for new Town or Village Greens will be determined, but subject to the Committee's view on individual cases.</b>	<b>To ensure a framework for the consideration of town and village green applications is used by Council.</b>

County Councillor H. Hulme, having declared that she was a local ward member in support of the following town and village green application, sat in the public seating area for the next item.

<b>5.</b>	<b>16-001VG APPLICATION TO REGISTER A NEW TOWN OR VILLAGE GREEN ON LAND AT ABERHAFESP – METHOD OF DETERMINING APPLICATION</b>
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The Committee noted the officer's report.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>1. That a hearing be held by the Planning, Taxi Licensing and Rights of Way Committee to hear the evidence in relation to application 16-001VG to register a new Town or Village Green on land at Aberhafesp; and 2. That the application be determined following the hearing, with the opportunity to seek further legal advice before making a decision if required.</b>	<b>To enable the application to be considered.</b>

The Definitive Map and Commons Registration Officer advised that the application would be ready for consideration in January 2018. A maximum of two days would be set aside for the Committee to conduct a hearing.

County Councillor H Hulme resumed her seat in the Committee. The Chair welcomed back County Councillor MJ Jones after surgery.

The Committee adjourned and reconvened at 1205hrs.

<b>6. DECLARATIONS OF INTEREST</b>
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(a) County Councillors K Laurie-Parry and DR Price declared a personal interest in application P/2017/0751 because they are members of the Royal Welsh Agricultural Society.

County Councillor D Selby declared a personal interest in application P/2017/0697 because he was a Member of the Montgomeryshire Liberal Democrats which had collected a petition in respect of the application but he had not taken any part in this.

(b) County Councillor J Williams requested that a record be made of his membership of Llandrindod Wells Town Council where discussion had taken place of matters for the consideration of this Committee [P/2017/0898]. As he had remained in the Town Council meeting when this item was discussed he would not be a Decision Maker in the Planning, Taxi Licensing & Rights of Way Committee meeting for this application.

County Councillor MJ Jones requested that a record be made of his membership of Churchstoke Community Council where discussion had taken place of matters for the consideration of this Committee [P/2017/0654]. As he had remained in the Community Council meeting when this item was discussed he would not be a Decision Maker in the Planning, Taxi Licensing & Rights of Way Committee meeting for this application.

(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 County Councillor S Hayes and County Councillor G Jones (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications P/2017/0697 and P/2017/0370 respectively.

<b>7. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

7.1 Updates

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

County Councillor K Laurie-Parry withdrew to the public seating area as she had not taken part in the site visit for the following application.

7.2 P/2017/0697 Land west of Hill Farm, Llandyssil, Montgomery Powys SY15 6HL

<b>Application No:</b>	P/2017/0697
<b>Grid Ref:</b>	320763.62, 296322.46
<b>Valid Date:</b>	20/06/2017
<b>Officer:</b>	Bryn Pryce
<b>Community Council:</b>	Montgomery Town Council
<b>Applicant:</b>	Mr. Will Jones GW & WW Jones, Hill Farm, Montgomery, Powys SY15 6HL
<b>Location:</b>	Land west of Hill Farm, Llandyssil, Montgomery Powys SY15 6HL
<b>Proposal:</b>	FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access
<b>Application Type:</b>	Application for Full Planning Permission

County Councillor S Hayes spoke as the local representative.  
Mr H King-Salter, Mr A Hughes and Mr A Burch spoke as objectors.  
Mr I Pick spoke as the Agent.

The Committee noted that there were no objections from any of the statutory consultees. In response to questions regarding manure management the Planning Officer advised that Natural Resources Wales [NRW] had commented on the application and had no objections.

In respect of highways issues the Highway Authority noted the objectors' comments but the Authority had to assess the application on the basis of highways guidance and case law. The Highways Authority considered that the 1.5 – 2 average vehicle movements per week for this type of development to be insignificant. The Highways Authority advised that the roads were unrestricted highways and that with the conditions requested it had no objections to the application. The Professional Lead Development Management advised against including a condition to restrict the number of vehicle movements, as this could potentially be considered unreasonable.

The Professional Lead Development Management in response to a question regarding the water supply advised that this issue would be dealt with separately from this application. The applicant would need to discuss this with the relevant utility company in respect of connecting to the water supply or NRW regarding an extraction licence.

Concerns were raised regarding HGVs using Abermule. The Highways Authority advised that the traffic calming measures and roundabout in Abermule had been designed to allow HGVs to use the highway. He confirmed that there were no



highways restrictions on this road. In respect of the proposed five passing bays the Highways Authority advised that an assessment would be undertaken where these should be placed.

The Professional Lead Development Management in response to a question advised that he is not aware of any evidence that demonstrates that the proposed development would have an adverse impact on tourism, in isolation or cumulatively.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

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

7.3 P/2017/0423 Land adj Dolgwenith and Tan y Bryn, Llanidloes Powys

<b>Application No:</b>	P/2017/0423
<b>Grid Ref:</b>	295482.68 283809.83
<b>Valid Date:</b>	26/04/2017
<b>Officer:</b>	Gemma Bufton
<b>Community Council:</b>	Llanidloes Town Council
<b>Applicant:</b>	Mr A Thomas, Craefol, Nantmel, Rhayader, Powys, LD6 5PD
<b>Location:</b>	Land adj Dolgwenith and Tan y Bryn, Llanidloes, Powys
<b>Proposal:</b>	Outline - Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved)
<b>Application Type:</b>	Application for Outline Planning Permission

The Principal Planning Officer advised that if the Committee was minded to approve the application the recommendations and conditions were those contained in the Update report.

In response to a question the Principal Planning Officer advised that in respect of the need for affordable housing, Llanidloes was classified in the north area and therefore 10% affordable housing was required from residential developments.

Questions were raised regarding the size of the affordable dwellings and permitted development rights. The Professional Lead Development

Management advised that if the Committee was minded to approve the application, conditions restricting the affordable housing to 130 sq. metres and the removal of permitted development rights could be added.

The Committee noted the request from Education Services for a contribution from the developer and questioned why the officers were seeking delegation to consider the request further. The Professional Lead Development Management explained that the developer had not had the opportunity to consider the request and time was requested for this to take place.

In response to a question the Principal Planning Officer advised that conditions 18 – 21 related to land contamination.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes, subject to a condition removing permitted development rights for the affordable dwellings and subject to the signing of a Section 106 agreement to secure the education contribution if considered to be appropriate in consultation with the Lead Professional within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, delegation is given to the Lead Professional for Development Management to determine the application.</b></p>	<p><b>As officers recommendation as set out in the report which is filed with the signed minutes.</b></p> <p><b>To ensure that the affordable dwellings remain at a size that is affordable.</b></p> <p><b>To ensure an appropriate contribution to Educations Services.</b></p>

The Chair changed the order of the agenda to enable applications with speakers to be taken next.

7.5 P/2017/0325 Cwmroches, Penybont, Llandrindod Wells, Powys LD1 5SY

**Application No:** P/2017/0325

**Grid Ref:** 310725.17 263960.63

**Valid Date:** 31/03/2017

**Officer:** Tamsin Law

**Community Council:** Penybont Community Council

**Applicant:** Mr G Owen, Cwmroches, Penybont, Llandrindod Wells, Powys, LD1 5SY

**Location:** Cwmroches, Penybont, Llandrindod Wells, Powys, LD1 5SY

**Proposal:** Full: Proposed erection of 2 no. Poultry buildings for broiler breeder rearing, four no. feed bins, new access track, improvements to existing entrance, creation of one new passing place installation of septic tank and associated development

**Application Type:** Application for Full Planning Permission

Mr C Ledbury, Radnorshire Wildlife Trust spoke against the application.  
Mr G Clarke spoke as the Agent.

The Principal Planning Officer advised that the recommendations and conditions were those contained in the Update report.

In response to questions the Principal Planning Officer advised that the applicant did not consult the Radnorshire Wildlife Trust at pre-application stage as the development site does not adjoin the Trust's site. At the application stage the Trust is not a statutory consultee.

The Committee noted that NRW had not raised any objections regarding biodiversity issues. The Principal Planning Officer advised that the proposed development would result in the ammonia levels being at a level which remained within the required thresholds.

The Principal Planning Officer also advised that there are a number of these units in the locality and as such the cumulative impact of the development has been considered and upon review of the application and consultee responses there is no evidence to suggest that the proposed development would cumulatively have an unacceptable detrimental impact on landscape, ecology, biodiversity or any rights of way in the area.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

7.6 P/2017/0370 Land adj Maes Gwyn, Llanfair Caereinion, Welshpool, Powys SY21 0BD

**Application No:** P/2017/0370

**Grid Ref:** 310114.75 306195.63

**Valid Date:** 06/04/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llanfair Caereinion Town Council

**Applicant:** Mrs M Williams, Tanhouse Farm, Llanfair Caereinion, Welshpool, Powys SY21 0BD

**Location:** Lang adj Maes Gwyn, Llanfair Caereinion, Welshpool, Powys, SY21 0BD

**Proposal:** Outline: Residential development of up to 9 dwellings, formation of vehicular access and associated works (some matters reserved)

**Application Type:** Application for Outline Planning Permission

Councillor G Jones spoke as the local representative.

Rev. Clarke spoke against the application.

Mr R Corbett spoke as the Agent.

In response to comments the Planning Officer advised that there was no evidence regarding the need to underpin other properties.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillors D Thomas and DH Williams left the meeting for other Council business.

7.7 P/2017/0623 Land adj Windy Ridge, Arddleen, Llanymynech, Powys SY22 6PY

**Application No:** P/2017/0623

**Grid Ref:** 325471.4 315537.47

**Valid Date:** 08/06/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llandrinio Community Council

**Applicant:** Mr & Mrs RG & JB Ashton, Willow Close, 5 Foxon Manor, Four Crosses, Powys, SY22 6NF

**Location:** Land adj Windy Ridge, Arddleen, Llanymynech, Powys, SY22 6PY

**Proposal:** Outline: Erection of up to 9 dwellings, formation of internal access road and all associated works (Phase 2)

**Application Type:** Application for Outline Planning Permission

Mrs C Davies spoke as the Clerk Llandrinio Community Council.

Mr D Edwards spoke against the application.

Mr R Corbett spoke as the Agent.

The Committee noted that the developer had offered the provision of a play area and the Planning Officer advised that if the Committee were minded to approve this could be added as a condition.

The Committee noted that Phase 1 had previously been approved. The Committee questioned whether the provision of a play area in Phase 2 was linked to Phase 1. The Committee noted that it should consider the application as it stands and that although Phase 1 had been approved, it had not been developed and consequently Phase 2 was not adjacent to the settlement boundary and so in the open countryside.

The Committee considered whether a Section 106 agreement could be used to ensure that Phase 2 was only developed if Phase 1 had been constructed. The Solicitor advised that he considered that a Section 106 stating that no development of Phase 2 could commence until for example Phase 1 had been completed or half constructed, was valid. He advised that the S106 would remain with the land and that if the ownership changed the S106 would move with the land.

It was duly proposed and seconded to defer consideration of the application to enable officers to consider the proposal to attach a Section 106 agreement linking the development of Phase 2 with the construction of Phase 1.

It was then duly proposed and seconded to agree the application as recommended in the officer's report and that it be delegated to the Professional Lead Development Management to add an appropriately worded S106 agreement linking the development of Phase 2 with the construction of Phase 1. The first motion was withdrawn and a vote taken on the substantive motion.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair, to add an appropriately worded S106 agreement linking the development of Phase 2 with the construction of Phase 1.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>  <b>In order to safeguard the character and appearance of the settlement.</b>

County Councillor K Silk left the meeting.

7.4 P/2017/0363 Land adj Cranford, Llansantffraidd-ym-Mechain, Powys SY22 6AX

**Application No:** P/2017/0363

**Grid Ref:** 323017.02 320611.99

**Valid Date:** 04/04/2017

**Officer:** Tamsin Law

**Community Council:** Llansantffraid Community Council

**Applicant:** Mrs B A Edwards, Lower Trewylan Farm, Llansantffraid-ym-Mechain, Powys, SY22 6TH

**Location:** Land adj 'Cranford', Llansantffraid-ym-Mechain, Powys, SY22 6AX

**Proposal:** Outline - Erection of up to 9 dwellings (some matters reserved), formation of vehicular access and all associated works

**Application Type:** Application for Outline Planning Permission

The Officer outlined that discussions were undertaken with the Highways Authority prior to Committee which determined that incorrect conditions had been attached to the report.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to it being delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to attach correct highways conditions and issue the approval.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>  <b>To ensure the correct highways conditions are attached.</b>

7.10 P/2017/0345 Land at Nant Glas Farm, Nant-Glas, Llandrindod Wells, LD1 6PA

**Application No:** P/2017/0345

**Grid Ref:** 299113.11 264499.04

**Valid Date:** 29/03/2017

**Officer:** Thomas Goodman

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**Community Council:** Nantmel Community Council

**Applicant:** Mr & Mrs Colin & Janet Evans, Claerwen Valley, Ciloerwent, Rhayader, Powys

**Location:** Land at Nant Glas Farm, Nant-Glas, Llandrindod Wells, LD1 6PA

**Proposal:** Outline: Erection of 2 dwellings, formation of vehicular accesses, installation of sewage treatment plants and associated works

**Application Type:** Application for Outline Planning Permission

The Professional Lead Development Management advised that the application site formed part the current line of dwellings going towards the settlement limit defined for Nant Glas.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

7.8 P/2017/0277 Brynhyfrydd, North Road, Builth Wels, Powys LD2 3BT

**Application No:** P/2017/0277

**Grid Ref:** 303966.07 251120.99

**Valid Date:** 09/03/2017

**Officer:** Thomas Goodman

**Community Council:** Builth Wells Town Council

**Applicant:** Mr JW Hardwick, Abercrychan Farm, Llandoverly, SA20 OYL

**Location:** Brynhyfrydd, North Road, Builth Wells, Powys, LD2 3BT

**Proposal:** Full: Extension to existing building to provide 2 additional self-contained flats

**Application Type:** Application for Full Planning Permission

The Professional Lead Development Management advised that if the Committee was minded to approve the application the recommendations and conditions were those detailed in the Update.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor P Pritchard left the meeting.

7.11 P/2017/0368 Land adj. Church House Farm, Llanwnog, Caersws, Powys SY17 5JG

**Application No:** P/2017/0368

**Grid Ref:** 302041.71 293811.08

**Valid Date:** 04/05/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Caersws Community Council

**Applicant:** Tyn y Bryn Farms, Tyn y Bryn, Tregynon, Powys, SY16 3PJ

**Location:** Land adj Church House Farm, Llanwnog, Caersws, Powys SY17 5JG

**Proposal:** Outline : Proposed residential development of up to 5 dwellings, formation of vehicular access and access road and all associated works (all matters reserved)

**Application Type:** Application for Outline Planning Permission

In response to a question the Planning Officer advised that the UDP sites had been developed.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

7.9 P/2017/0751 Field adjoining Old Creamery, Llanelwedd, Builth Wells, Powys LD2 3SY

**Application No:** P/2017/0751

**Grid Ref:** 303807.21 251605.41

**Valid Date:** 30/06/2017



**Officer:** Thomas Goodman

**Community Council:** Llanelwedd Community Council

**Applicant:** Mr Aled Jones, The Royal Welsh Agricultural Society, Royal Welsh Showground, Llanelwedd, Builth Wells, Powys, LD2 3SY

**Location:** Field adjoining Old Creamery, Llanelwedd, Builth Wells, Powys, LD2 3SY

**Proposal:** Full: Change of use of land for temporary show time caravan park for ten days per annum each Royal Welsh Show as an extension to existing park

**Application Type:** Application for Full Planning Permission

The Professional Lead Development Management advised that if the Committee were minded to approve the application the recommendation and conditions were contained in the update report.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor J Williams left the meeting.

7.13 P/2017/0898 Household Waste Recycling Centre, Waterloo Road Industrial Estate, Llandrindod Wells

**Application No:** P/2017/0898

**Grid Ref:** 305895.32 261864.02

**Valid Date:** 04/08/2017

**Officer:** Tamsin Law

**Community Council:** Llandrindod Wells Town Council

**Applicant:** Powys County Council

**Location:** Household Waste Recycling Centre, Waterloo Road Industrial Estate, Llandrindod Wells, Powys LD1 6BH

**Proposal:** Section 73 application to vary condition 2 of planning approval RAD/2007/0520 in regards to the approved plans

**Application Type:** Application for Removal or Variation of a Condition

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor MJ Jones left the meeting.

7.12 P/2017/0654 Land at the Firs, Churchstoke, Montgomery SY15 6AH

**Application No:** P/2017/0654

**Grid Ref:** 327651.95 293901.65

**Valid Date:** 12/06/2017

**Officer:** Rachel Mulholland

**Community Council:** Churchstoke Community Council

**Applicant:** Miss Delves, The Firs, Churchstoke, Montgomery, SY15 6AH

**Location:** Land at the Firs, Churchstoke, Montgomery, SY15 6AH

**Proposal:** Outline: Erection of 3 detached properties, including detached carports, formation of vehicular access and associated works (some matters reserved).

**Application Type:** Application for outline planning permission

In response to a question regarding the rights of way the Professional Lead Development Management advised that the applicant would need to apply for a diversion order for the footpath and had been in contact with Countryside Services.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

<b>8.</b>	<b>DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 7 September, 2017 and 27 September, 2017.

The Chair thanked Members for responding to the questionnaire sent to them to get their views on how the Committee had worked since May 2017. He advised that he and the Vice Chair had met with officers, yesterday afternoon and it had been agreed that an informal meeting of the Committee would take place on 9 November, 2017, details would be sent to the Committee in due course. Comments had been sought on the venue used for meetings and as a result of members' comments and the meeting yesterday it had been agreed that all Committee meetings would now take place in County Hall and only use other venues when an application required this.

**County Councillor D R Price  
Chair**

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

## CYNGOR SIR POWYS COUNTY COUNCIL

## PLANNING, TAXI LICENSING &amp; RIGHTS OF WAY COMMITTEE

DATE: 26<sup>th</sup> October 2017

REPORT AUTHOR: Senior Licensing Officer

SUBJECT: Vehicle Licence Conditions

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**REPORT FOR: Decision**

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**1 SUMMARY**

- 1.1 To review the proposed revised vehicle licence conditions that apply to licensed Hackney Carriage and Private Hire Vehicles following consultation with the taxi trade in Powys.

**2. BACKGROUND**

- 2.1 Following revisions made to the proposed revised vehicle licence conditions by members at a meeting of this committee on 24<sup>th</sup> August 2017, amended proposed vehicle licence conditions were consulted on with the taxi trade in Powys (Annex A, with agreed amendments highlighted). The consultation was either e-mailed or posted out to all licensed taxi drivers, in addition it was placed on the Council's website.
- 2.1 Two responses to the consultation were received and these are attached at Annex B. Both responses were in relation to the proposal that there would be no exemptions to display the licence plate on a licensed private hire vehicle.
- 2.2 One is from a member of the public who was expressing his support for the decision; the other is from Matthew Capner of Silver Service Executive Travel opposing the proposal due to the nature of the private hire work that his company undertakes.
- 2.3 A quick poll of licensing colleagues elsewhere in Wales was undertaken and 12 authorities responded
- 6 had no policy/specification on the type of vehicle that could be considered, any applications were considered on a case by case basis by a sub-committee
  - 5 have a policy on the type of vehicle that would be considered acceptable and 2 of these issue an executive plate rather than have no plate at all
  - 1 said they would not consider any requests

As a result of this poll it was pointed out that it might not be lawful to have a blanket policy of no exemptions so further legal advice has been sought and discussed with legal:

- 2.4 Advice has been sought from Jim Button (Independent Solicitor specialising in Licensing) who recently delivered the training to Committee Members. He advised against introducing a blanket ban on the exemption from displaying plates.
- 2.5 On the basis of his advice and in consultation with Colin Edwards, legal officer, a revised condition is therefore proposed:

Ensuring that private hire vehicles are clearly identifiable is an important public safety safeguard and in general no exemptions to display the plate will be issued except where the Council is reasonably satisfied that an applicant has a justifiable business case for not displaying a private hire plate. Any exemptions would be in exceptional cases only and not be issued to vehicles undertaking regular private hire work (including school contracts).

It was felt that decisions to issue an exemption would need be considered on a case by case basis by a sub-committee.

### **3.0 Options Considered/Available**

- 1 To approve the proposed licence conditions as agreed on 24<sup>th</sup> August 2017, unchanged
- 2 To approve the proposed licence conditions as agreed on 24<sup>th</sup> August 2017, with the above amendment.
- 3 To approve the proposed licence conditions as agreed on 24<sup>th</sup> August 2017 with an alternative amendment in respect of the plate exemption condition.

### **4.0 Preferred Choice and Reasons**

Since Option 1, a blanket ban, could be legally challenged then Option 2 is the preferred choice, whilst it sets out that in general, exemptions are not permitted (in line with members views), it does allow for exceptional cases to be considered on their merits

### **5.0 Impact Assessment**

- 5.1 Is an impact assessment required? No

### **6.0 Corporate Improvement Plan**

- 6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for 2025'. This proposal supports the priority areas of developing a vibrant economy and supporting our residents and communities.

## **7.0 Local Member(s)**

7.1 This report has no particular significance on one or some electoral divisions.

## **8.0 Other Front Line Services**

8.1 This report has no impact on front line services.

## **9.0 Communications**

9.1 Once approved by committee the fees will be advertised in the local press as part of the consultation process.

## **10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 The Professional Lead-Legal agrees with the second option in this report for the reasons given.

10.2 The Finance Business Partner Place notes the contents of the report and can see no financial implication attached to the proposed recommendation.

## **11.0 Scrutiny**

11.1 This report has not been scrutinised.

## **12.0 Statutory Officers**

12.1 The Strategic Director Resources (S151 Officer) notes the comments made by finance.

12.2 The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

## **13.0 Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p><b>1. That the vehicle licence conditions set out at Annex A which incorporate the amendment set out at 2.5 be approved</b></p> <p><b>2. That decisions in respect of a plate exemption request backed up by a business case are delegated to a sub-committee.</b></p>	<p><b>To ensure up to date vehicle licence conditions are applied to all licensed hackney carriage and private hire vehicles in Powys to promote public safety.</b></p>

<b>Contact Officer</b>	<b>Tel:</b>	<b>Email:</b>
Sue Jones	01597 827389	Susan.jones@powys.gov.uk

<b>Relevant Portfolio Member(s):</b>	<b>Jonathan Wilkinson</b>
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<b>Relevant Local Member(s):</b>	<b>N/A</b>
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# 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](mailto: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](http://www.gov.uk/vehicle-approval/voluntary-approval)

Existing licensed wheelchair accessible vehicles will have a further year to comply with the above i.e. the above condition will apply to vehicles licensed before 1<sup>st</sup> October 2017 that are renewed after 1<sup>st</sup> October 2018.

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](http://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:

*Issue 8 Approved for consultation 24/08/17*

- (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 The Council has resolved not to issue any exemption certificates to display a private hire plate

Proposed revised condition to replace 4.2 above

Ensuring that private hire vehicles are clearly identifiable is an important public safety safeguard and in general no exemptions to display the plate will be issued except where the Council is reasonably satisfied that an applicant has a justifiable business case for not displaying a private hire plate. Any exemptions would be in exceptional cases only and not be issued to vehicles undertaking regular private hire work (including school contracts).

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(S)', 'TACSI' or 'CAB(S)' 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.

*Issue 8 Approved for consultation 24/08/17*

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 600mm<sup>2</sup> (2 sq ft) in area, or up to a total of six advertisements where they do not exceed 300mm<sup>2</sup> (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.

*Issue 8 Approved for consultation 24/08/17*

## 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](http://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:

*Issue 8 Approved for consultation 24/08/17*



- 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.

**Supplementary Notes (These do not form part of the conditions)**

**Enforcement of Conditions**

***An operator or proprietor of a vehicle found to be in breach of these conditions may be required to attend the Council’s Licensing Review Panel. The Panel may revoke, suspend, or refuse to renew the vehicle licence.***

***An operator or proprietor found to be knowingly committing an offence that poses a significant risk to public safety, or who wilfully obstructs an authorised officer, may be prosecuted without reference to the Licensing Review Panel.***

***An authorised officer of the Licensing Authority may suspend a vehicle licence in cases where the vehicle poses an imminent risk to the safety of the public. In these circumstances, the Licensing Authority shall advise the proprietor/operator of the reason for the suspension, in writing, within twenty-four hours. The matter will be reported to the next available Licensing Review Panel. The Panel may revoke, or refuse to renew the vehicle licence, or extend the period of suspension.***

***Any person aggrieved by the refusal of the Licensing Authority to grant a vehicle licence, or by the revocation of a licence, or by any of the conditions set out above, may appeal to a magistrates’ court.***

**Additional Information**

**Contacts**

*If you are unsure about any of the conditions or accompanying notes set out above please contact the appropriate Licensing Section.*

Council Offices Neuadd Brycheiniog Cambrian Way	Council Offices Y Gwalia Ithon Road	Council Offices Neuadd Maldwyn Severn Road
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Brecon	Llandrindod Wells	Welshpool
Powys	Powys	Powys
LD3 7HR	LD1 6AA	SY21 7AS
<b>Contact: 0845 602 7037 and ask to speak to an Officer</b>		

## **Contents of First Aid Kit**

**Each vehicle must carry a first aid kit sufficient to comply with the Health & Safety (First Aid) Regulations 1981. In addition to providing for employees, the following minimum contents should be included :**

Antiseptic wipes (non-alcohol) x 10  
Triangular bandages x 2 (may be of the disposable type)  
Individually wrapped adhesive dressings (plasters) x 20  
Medium dressing (12 x 12cms) x 1  
Large dressing (18 x 18cms) x 1  
Disposable gloves (large size x 2 pairs & medium size x 2 pairs)  
Advice leaflet x 1

## **Seat Belts and Child Seats**

The attention of drivers is drawn to the provisions of the Child & Baby Car Seat Safety Regulations (2006), which came into effect on the 18<sup>th</sup> September 2006. There are exemptions within the regulations in relation to licensed Hackney Carriages & Private Hire vehicles. The Department of Transport feels that it is impracticable to expect the right child seat or booster to be available in a taxi unless the parents have brought one with them. Therefore the Regulations state that :-

- Under 3's may travel unrestrained but in the rear only;
- Those 3 years and above must use an adult belt in the rear seat only;
- Any child up to 135cms in a front seat of any vehicle must use the correct child seat or booster
- The driver of a licensed vehicle is responsible for seat belt wearing by Children under 14 years (except in taxis with fixed partitions)

Passengers over the age of 14 years in the front seats of all vehicles, and in the rear seats of cars and small minibuses, an adult seat belt must be worn if available. This is the passenger's own responsibility.

Hackney Carriage drivers are exempt by virtue of Regulation 5(h) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982, providing they are seeking hire, answering a call for hire or carrying a passenger for hire, and the vehicle is carrying a plate showing it is a licensed Hackney Carriage. A similar exemption applies to a Private Hire Vehicle provided it is being used to carry a passenger for hire.



## **Carol Johnson (CSP - Board Business)**

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**From:** \_\_\_\_\_  
**Sent:** 15 September 2017 16:05  
**To:** Licensing brecon and radnor (CSP - Generic)  
**Subject:** Licensing review August 2017

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir or Madam,

I am a retired police officer who between 1997 and 2016 conducted enforcement with five different local authorities on a regular basis within Buckinghamshire (Thames Valley Police area). Our proximity to London as well as surrounding Home Counties showed a huge variation in the Licensing Conditions of the various Local Authorities.

Without a doubt, the display of plates was the biggest issue. Within the jurisdiction of the Transport for London, stickers in windows are used for Private Hire Vehicles rather than a plate. Use of window tints by both manufacturers and operators often meant it was almost impossible to see the sticker until close to the vehicle. Although not so problematical. I did find plates placed within the vehicle could be had to see if the glare on the rear screen was in the wrong place or during the hours of darkness.

I was like to suggest that the conditions include the requirement for 'the licence plate to be securely fitted to the exterior of the rear of the vehicle in an upright position,.

This should assist Licensing and Police officers with enforcement.

Yours faithfully,

Peter Hare

Sent by me to you, thanks to my iPad

## Carol Johnson (CSP - Board Business)

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**From:** Susan Jones (CSP - Commercial and Food) on behalf of Licensing brecon and radnor (CSP - Generic)  
**Sent:** 25 September 2017 09:47  
**To:** Susan Jones (CSP - Commercial and Food)  
**Subject:** FW: Objection of proposed new guidelines for Private Hire Vehicles

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Silver Service [mailto:silverservice.mc@googlemail.com]  
**Sent:** 07 September 2017 11:50  
**To:** Licensing brecon and radnor (CSP - Generic)  
**Cc:** Licensing Mont (CSP - Generic)  
**Subject:** Objection of proposed new guidelines for Private Hire Vehicles  
**Importance:** High

Dear Sir/ Madam,

I am writing to you with regards to the new proposed guidelines for Private Hire Vehicles that are licenced by the Powys Authority.

The specific clause we as a company have objection to is 4.2

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 The Council has resolved not to issue any exemption certificates to display a private hire plate**

As a company we do not cover local taxi bookings. We are prebooked by businesses and private individuals who solely use us to ensure they receive fully licenced, trusted, Executive style passenger transport.

The majority of our bookings are for airport transfers and these are booked and invoiced by email. The businesses who book us do not wish to use a regular taxi firm with signage and plates attached to the outside of the vehicles. They wish to promote an image to their clients.

All our cars are currently issued with exemption certificates and the plate is stored in the vehicle. The paper certificate is displayed in the windscreen and all documentation is stored in the glove box. Our drivers wear suits and we offer bottled water and reading material.

There are very few Private Hire companies who offer this standard of service within Powys and to implement this clause would have a very detrimental effect on all of us.

The Private Hire business is very diverse and to group all such businesses together would be wrong. Powys needs our style of Executive Private Hire for local businesses to book for their clients to ensure the growth of industry within the county.

I would appreciate if you would explain the reasoning for this new clause and reconsider your idea to implement it.

*Yours sincerely*

*Matthew Capner*



**Silver Service Executive Travel**

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



## PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

**REPORT AUTHOR:** Senior Licensing Officer

**SUBJECT:** Taxi Licensing Fees

**DATE:** 26 October 2017

**REPORT FOR:** Decision

## 1.0 Summary

1.1 The Committee is requested to consider the approval of revised fees for the Hackney Carriage and Private Hire Licensing regime notably operator, vehicle, driver licences and tests to commence from April 2018.

1.2 During the period of 1<sup>st</sup> April 2016 - 31<sup>st</sup> March 2017 the following number of tests were carried out and licence applications were made:

Driver Competency/Knowledge Tests	82
New Drivers	71
Renewal Drivers	0*
New Private Hire Operators	5
Renewal Private hire operators	0*
Private Hire Vehicles	243
Hackney Carriages	148

\*In line with statutory requirements the issuing of 3 year driver licences commenced in October 2015 so it is only from October 2018 that we will start getting driver renewals. Similarly the issuing of 5 year operator licence commenced in October 2015, until these come for renewal in October 2020.

The total number of current licences in place on 31/03/2017

Drivers	523
Private Hire Operators	72
Private Hire Vehicles	263
Hackney Carriage Vehicles	164

## 2.0 Proposal

2.3 The setting of fees is governed by The Local Government (Miscellaneous Provisions) Act (Section 70), it allows for the recovery of costs in connection with administering, controlling and supervising the Hackney Carriage and Private Hire Licensing regime,

2.4 The proposed fees take into consideration the current administration, inspection and compliance costs related to each licence type in addition the significant costs associated with referring licences and applications to sub-committee. These fees have been calculated using a toolkit devised and used across the Welsh Local Authority Licensing Services and in consultation with our finance team and if approved will recognise a small net gain.

	Current Fee	Proposed Fee	
Vehicles (1 year) Hackney Carriage Private Hire	£129	£133	
Driver Licence (3 year)	£256	£244	excludes DBS and DVLA fee
Driver Licence (1 year – on request)	£140	£129	Excludes DBS and DVLA fee
Private Hire Operators (5 years)	£400	£406.50	excludes DBS fee
Knowledge/Competency Test	£36	£36.50	

2.6 For reference only it is useful to see fees currently charged by some of our neighbouring authorities. It must be remembered that it is difficult to make a direct comparison as some authorities have built in other charges into their fees e.g. garage tests for vehicles. The fees should reflect local staffing and processing costs and the implementation of local policies, hence there can be a wide variation in the level of fees set as is evident in the table below.

Fees all in £'s	Driver 3 year	Driver 1 year	Test	Operator	Private Hire Vehicle	Hackney Carriage
<b>Blaenau Gwent</b>	270	Not offered		413	187	218
<b>Carmarthenshire</b>	137 new 101 renewal	75 new 38 renewal	19	631	148 new 147 renewal	146 new 142 renewal
<b>Ceredigion</b>	323 new 190 renewal	278 new 144 renewal		291	159 new 144 renewal	196 new 146 renewal
<b>Denbighshire</b>		140	15	110 / year	200	200
<b>Herefordshire</b>	397 new 303 renewal			116 - 247	303	303
<b>Merthyr Tydfil</b>	272 new 230 renewal	Not offered		115	154	154
<b>Monmouth</b>	224 new 147 renewal	Not offered		737	181 new 158 renewal	184 new 150 renewal
<b>Neath Port Talbot</b>	213 new 160 renewal	128 new 64 renewal	28	650	327 new 250 renewal	327 new 250 renewal
<b>Rhondda Cynon Taff</b>	128	Not offered	30	372 - 435	256	256
<b>Shropshire</b>	190 renewal	Not offered	53	332 new 250 renewal	142 new 164 renewal	135 new 152 renewal
<b>Torfaen</b>	270 new 250 renewal	160 new 140 renewal		230 - 930	200 new 230 renewal	200 new 230 renewal

<b>Wrexham</b>	245 new 210 renewal	Not offered		500 - 1400	244 new 199 renewal	190.50 new 174.50 renewal
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2.6 Members are invited to approve the revised fees.

2.7 Should members approve the revised table of fees then The Local Government (Miscellaneous Provisions) Act 1976, Section 70 also requires them to be advertised in the local press giving at least 28 days for objections.

2.8 Should there be any objections then these will need to be considered and reported back to this committee along with any revisions considered appropriate

2.9 If no objections are made then these fees will come into effect on 1<sup>st</sup> April 2018

### **3.0 Options Considered/Available**

3.1 Fees need to be reviewed periodically to ensure that full cost recovery is achieved, staffing costs, on costs and the cost of materials increase on an annual basis, if fees are not reviewed then the fees may not achieve full cost recovery. The All Wales tool kit was devised to enable us to establish a fee in a consistent manner to our Welsh counterparts, and also to ensure that they are transparent and able to withstand challenge. The fees proposed have been set using this toolkit in consultation with our finance team and are therefore recommended for approval.

### **4.0 Preferred Choice and Reasons**

4.1 Consideration of the revised fees is required to ensure the Authority is in compliance with legal requirements.

### **5.0 Impact Assessment**

5.1 Is an impact assessment required? No

### **6.0 Corporate Improvement Plan**

6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for 2025'. This proposal supports the priority areas of developing a vibrant economy and supporting our residents and communities.

### **7.0 Local Member(s)**

7.1 This report has no particular significance on one or some electoral divisions.

### **8.0 Other Front Line Services**

8.1 This report has no impact on front line services.

### **9.0 Communications**

9.1 The revised fees will be advertised in the local press as part of the consultation process.

## **10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

The professional Lead-Legal notes that the fees involved primarily arise from a legal duty to carry out statutory functions and obligations within the licencing regime as for the level of charges that involves the commercial considerations set out in the report and are supported by the legal service.

The Finance Business Partner Place notes the contents of the report, there is a prescriptive toolkit for calculating the fees from the All Wales Licensing Panel and the finance section have been fully involved with the service in calculating the proposed fees.

## **11.0 Scrutiny**

11.1 This report has not been scrutinised.

## **12.0 Statutory Officers**

12.1 The Strategic Director Resources (S151 Officer) notes the comments made by finance.

12.2 The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

## **13.0 Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the revised Taxi Licensing fees be approved for consultation, and if following consultation no objections are received then they will come into effect on 1<sup>st</sup> April 2018</b>	<b>To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976</b>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	<b>N/A</b>
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<b>Person(s) To Implement Decision:</b>	<b>Senior Licensing Officers</b>
<b>Date By When Decision To Be Implemented:</b>	<b>Immediate</b>

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Email:</b>
Sue Jones	01597 827389	Susan.jones@powys.gov.uk

**Background Papers used to prepare Report:**

**Local Government (Miscellaneous Provisions) Act 1976**

**Guidance Issued by the Home Office and Local Government Association.**

**All Wales Licensing Expert Panel Fees Toolkit**

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

**Planning, Taxi Licensing and Rights of Way Committee  
26<sup>th</sup> October 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><b>P/2017/0708</b></p> <p>Tregynon</p> <p>303397.37 297156.1</p> <p>22/06/2017</p>	<p>Full: Full Installation of a 17.5m high lattice tower supporting 3 no. antennas and 2 no. dish antennas together with ground based equipment cabinets and ancillary development</p> <p>Land at Ty'n y Bryn Farm, Tregynon, Newtown, Powys, SY16 3PG</p> <p>CTIL And Telefonica UK Ltd, 260 Bath Road Slough, Berkshire, SL1 4DX.</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0119 - update</b></p> <p>Rhayader</p> <p>296834.02 268416.04</p> <p>07.02.2017</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>Wyeside Caravan Park, Rhayader, Powys, LD6 5LB</p> <p>Mr Nathan Goodyear, The Camping And Caravanning Club.</p> <p><b>Recommendation:</b></p> <p>Conditional Consent – with amendments to previous conditions</p>

<p><b>P/2016/1145</b></p> <p>Llandrindod Wells</p> <p>307169.13 261392.84</p> <p>21/11/2016</p>	<p>Outline, with some matters reserved: Erection of up to 4 dwellings, new access and associated works.</p> <p>Site Adjacent to Cae Eithin, Cefnlllys Lane, Llandrindod Wells, Powys, LD1 5LE</p> <p>Mr Paul Rowlands, PAR Homes Ltd, Lower Gaufron Farm, Howey, Llandrindod Wells, Powys, LD1 5LE</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0604</b></p> <p>Bausley with Criggion</p> <p>279041.35 211067.57</p> <p>08/06/2017</p>	<p>Outline: Proposed residential development of up to 3 dwellings, formation of vehicular access road and all associated works (some matters reserved)</p> <p>Land adjacent to Seven Oaks Holiday Park, Crewgreen, Powys SY5 9AS</p> <p>Mr Philip Bewley, Border Shires, Crewgreen, Powys, SY5 9AS</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0420</b></p> <p><b>Guilfield</b></p> <p>322050.04 311028.19</p> <p>18/04/2017</p>	<p>Outline: Erection of up to 8 dwellings, formation of vehicular access, access road, and all associated works (all matters reserved)</p> <p>Land adjacent to Oldcastle Avenue, Guilfield Welshpool Powys SY21 9PA</p> <p>Mr D Neville Oakwood Guilfield Welshpool Powys SY21 9PP</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0812</b></p> <p>Ystradgynlais</p>	<p>Section 73 application to remove Condition 19 of approved Outline Consent P/2014/1133 relating to affordable local</p>



<p>278740.62 210906.61</p> <p>13/07/2017</p>	<p>needs housing</p> <p>Development at Bryngroes Farm, Ystradgynlais, SA9 1LF</p> <p>CME Developments Limited, Bryngroes Farm, Ystradgynlais, SA9 1LF</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0688</b></p> <p>Llansantffraid</p> <p>323437.48 319840.08</p> <p>19/06/2017</p>	<p>Outline: Residential development of up to 2 no. dwellings, formation of vehicular access and associated works</p> <p>Land adj Waen Meadows, Waen Trederwen, Llansantffraid-ym-Mechain, Powys, SY22 6SZ</p> <p>Mrs E Hughes, Waen Farm, Llansantffraid-ym-Mechain, SY22 6SX</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0825</b></p> <p>Llandrinio</p> <p>325368.46 316471.4</p> <p>07/07/2017</p>	<p>Outline: Erection of one detached private dwelling with all associated works including installation of a new septic tank (all matters reserved)</p> <p>Land at Cynefin, Penrhos, Llanymenech, Powys, SY22 6QB</p> <p>Mr Richard Corbett, Cynefin, Penrhos, Llanymenech, Powys, SY22 6QB</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0259 - update</b></p> <p>Llangammarch Wells</p> <p>293222.95 246980.22</p> <p>09.03.2017</p>	<p>Full: Siting of 40 touring caravans and 13 static caravans for holiday use between 1st March through to 3rd January of the following year and the winter storage of 42 caravans</p> <p>Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4EP</p>

	<p>Mr John Carroll, Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4BY</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/0571</b></p> <p>Llanrhaeadr</p> <p>312659.85 623184.17</p> <p>18.05.2017</p>	<p>Outline: Application for residential development for up to 5 dwellings, formation of access road and all associated works</p> <p>Phase 2, Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant Oswestry SY10 0JJ</p> <p>Mr N Jones Tanat Valley Developments Woolston Bank Fairfields Oswestry SY10 8HZ</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/0667</b></p> <p>Disserth and Trecoed</p> <p>30417.92 256724.39</p> <p>20.06.2017</p>	<p>Full: Redevelopment of site, including the demolition of 5 poultry units, and the erection of 2 replacement poultry units and all associated works</p> <p>Gaufron Farm, Howey, Llandrindod Wells, Powys LD1 5RG</p> <p>Mr J Nicholls, Cargill Meats Europe, Feed Mill Allensmore, Hereford, HR2 9AW</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/0765</b></p> <p>Llanidloes</p> <p>295052.24 285424.67</p> <p>10.07.2017</p>	<p>Full: Erection of 3 dwelling, formation of new vehicular access and all associated works</p> <p>Dyfnant, Llanidloes, Powys, SY18 6HR</p> <p>Mr &amp; Mrs Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ</p> <p><b>Recommendation:</b> Conditional Consent</p>

<p><b>P/2017/0766</b></p> <p>Llanidloes</p> <p>295115.63 285301.93</p> <p>10.07.2017</p>	<p>Full: Erection of 2 dwellings, formation of new vehicular access and all associated works</p> <p>Dyfnant, Llanidloes, Powys, SY18 6HR</p> <p>Mr &amp; Mrs Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/0942</b></p> <p>Trewern</p> <p>327282.13 311864.15</p> <p>17.08.2017</p>	<p>Outline: Erection of a dwelling, installation of a sewage treatment plant and associated works (some matters reserved)</p> <p>Land at Pigeon House, Trewern, Welshpool, Powys SY21 8EE</p> <p>Mrs Helen Dart Gwelfryn, Trewern, Welshpool Powys SY21 8ED</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/0949</b></p> <p>Trewern</p> <p>330235.87 312766.67</p> <p>01.09.2017</p>	<p>Full: Erection of a 3 bedroomed dwelling and associated access and landscaping</p> <p>Hill Cottage, Middletown, Welshpool, Powys, SY21 8DJ</p> <p>Miss A Hilditch Land adj Hill Cottage, Middletown, Welshpool Powys SY21 8DJ</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/0730</b></p> <p>Carno</p> <p>294097.54 298835.91</p> <p>06.07.2017</p>	<p>Full: Construction of new public footbridge on diverted Footpath 29 to facilitate the elimination of five level crossings on the Cambrian Railway Line</p> <p>Land over River Carno, between Talerddig and Carno, Powys</p> <p>Mr Simon Kendrick, Engineering Design Services, Spa Road East, Powys County Council, Llandrindod Wells LD1 5LG</p> <p><b>Recommendation:</b></p>

	Conditional Consent
<p><b>P/2017/0845</b></p> <p>Welshpool</p> <p>322508.59 308227.47</p> <p>19.07.2017</p>	<p>Householder: Alterations to highway/kerb to provide access to driveway. Creation of new driveway and all internal and external adaptation works.</p> <p>11 Burgess Croft, Welshpool, Powys, SY21 7RJ</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Conditional Consent</p>

# 7.2

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

<b>Application No:</b>	P/2017/0708	<b>Grid Ref:</b>	309397.37 297156.1
<b>Community Council:</b>	Tregynon Community Council	<b>Valid Date:</b>	<b>Officer:</b> 22/06/2017 Dunya Fourie
<b>Applicant:</b>	CTIL And Telefonica UK Ltd, 260 Bath Road Slough, Berkshire, SL1 4DX.		
<b>Location:</b>	Land at Ty'n y Bryn Farm, Tregynon, Newtown, Powys, SY16 3PG.		
<b>Proposal:</b>	Full Installation of a 17.5m high lattice tower supporting 3 no. antennas and 2 no. dish antennas together with ground based equipment cabinets and ancillary development		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

This application was called in to planning committee by the Local Member. The reason given for calling the application into committee is the public concern of local residents and health reasons.

### Site Location and Description

The site of the proposed development is located on the hillside to the south of Tregynon, approximately 1.5km from the village, the site lies on the edge of an agricultural field and is accessed via a field entrance off the unclassified highway. The immediate location of the development is in the north eastern corner of an agricultural field.

This application seeks full planning consent to erect new telecommunication infrastructure, comprising a single monopole extending to 17.5metres in height, the pole would be finished in dark green. The pole would support 3no.antennas fixed to phase 3 headframe and 2no. dish antennas. A cable ladder, gantry pole and cabinet are proposed at the foot of the pole and shall be enclosed by a 1.2m timber post and rail fence. The frequency of the telecommunications infrastructure is 800MHz, the power output (expressed in EIRP in dBW per carrier) 30dBW, the height of the antenna above ground is 15.5metres.

### Consultee Response

Cllr Heulwen Hulme

*Letter of 12 July 2017*

Call in on the grounds of public concern and health reasons

Tregynon Community Council

*E mail of the 15<sup>th</sup> September 2017*

The Tregynon Councillors have received a consultation document regarding a possible mast for emergency services on the other side of the village from the 0708 mast. The councillors consider that it would be sensible to delay decision on the 0708 mast until a decision has been made about the emergency mast. This is because it may be possible to combine the two at the emergency services site, thereby removing any local concerns about the 0708 site.

*E mail of 14 July 2017*

Following a meeting of Tregynon council yesterday, the councillors wish to support the application for the mobile communications mast ref. 2017/0708.

Seven Trent Water

*E mail of 7 July 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.

Environmental Health

*E mail of 30 June 2017*

Thank you for your consultation in respect of this application, as the application contains a declaration of conformity with ICNIRP guidelines I have no objection to this application.

Ministry Of Defence

*Letter of 20 June 2017*

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence safeguarding areas.

I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter.

Cadw

*Letter of 22<sup>nd</sup> August 2017*

Thank you for your letter of 4 August 2017 inviting our comments on 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 registered Gregynog historic park and garden. 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

The proposed mast is located some 240m southeast of the boundary of the registered Gregynog historic park and garden. It is not located in the identified essential setting of the park and the intervening topography is likely to block or extensively screen the tower from any view from the park. Consequently in our opinion the proposed development will have no impact on the setting of the registered historic park and garden.

### Built Heritage

*E mail of the 3<sup>rd</sup> October 2017*

Thank you for consulting me on the above application. I note the additional information submitted on the portal on 28 September document numbers; 4420078, 4420077, 4420075, 4420074 and can confirm that I have considered them in my response.

The site is outside but close to the boundary of the Gregynog Registered Historic Park and Garden which contains a number of listed buildings (7) and I note that Cadw are the consultee in respect of the setting of the Registered Historic Park and Garden.

I note the comments from Welsh Government dated 22 August 2017 in that the intervening topography is likely to block or effectively screen the tower from any view of the park. I would not disagree with that statement. I note the site photomontage viewpoint drawing number CTIL241447 TEF51021 which illustrates that the lattice tower will not be visible from the grounds in front of Gregynog Hall. I accept that there may potentially be views of the lattice tower from the upper floors, however in terms of setting of the listed building, I note that the lattice tower is not visible from the grounds in front of Gregynog Hall as indicated in the photomontage and note the comments from Cadw and would not disagree with their findings. As such would not consider that the proposal would have an impact on the setting of Gregynog Hall and the associated listed buildings adjacent to Gregynog Hall.

I note that Tyn Y Bryn Farmhouse is a listed building Cadw ID 18156 and the associated farm buildings are separately listed Cadw ID 18157.

The proposed lattice mast is to be sited 500m to the southwest of Ty'n y Bryn adjacent to an unclassified road.

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.

Ty'n y Bryn Farmhouse consists of a main W range with 2 wings behind; 2-storeys of unreinforced concrete with tiled roof. 4-window, tile hung front with gabled outer bays and large half dormer in the centre. The porch is centrally placed, with a gable painted black and white to imitate timber framing.

Ty'n y Bryn Farm Buildings are a substantial group of farm buildings constructed in c1870

#### 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.

Ty'n y Bryn is said to have been the home farm of Gregynog Estate. Constructed in unreinforced concrete by Henry Hanbury-Tracy, probably c1870 when part of the Gregynog Estate, but first shown on 1886 Ordnance Survey. Hanbury-Tracy's use of the material at Gregynog was intended to demonstrate the benefits of building in concrete, which it was said reduced the cost of a house by nearly a half compared to brick or stone.

The substantial group of farm buildings at Ty'n y Bryn were constructed c1870 in unreinforced concrete by Henry Hanbury-Tracy when part of the Gregynog Estate.

#### 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.

Ty'n y Bryn is included on the statutory list notwithstanding alterations, for its experimental and pioneering use of unreinforced concrete for a substantial farmhouse, and for the special interest of the group formed by the house and its farm buildings. The building also makes an important contribution to the surviving group of concrete buildings in Tregynon.

The farm buildings are a complex range of buildings incorporating cow houses, a granary and a cart shed, with a model farm type layout which was clearly intended to be aesthetic as well as functional, and was included on the statutory list as a as a substantial and prominently-sited group of farm buildings pioneering the use of unreinforced concrete, forming a complete and important complex with Ty'n y Bryn Farmhouse.

#### 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 farmhouse and farmbuildings are important as part of a larger estate that intended to demonstrate the benefits of building in concrete, which it was said reduced the cost of a building by nearly a half compared to brick or stone. The buildings also make an important contribution to the surviving group of early concrete buildings in Tregynon.

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 proposed mast will be sited adjacent to a few trees sited on the skyline when viewed from immediately outside Ty'n Y Bryn. Given the topography of the land and the trees on the skyline and adjacent to the road that serves Ty'n-y Bryn, the proposed mast is not readily visible the distance and tree cover blending the proposed mast in the topography.

From locations closer to the proposed mast the road network does not afford views of the proposed mast and the listed farm complex, and the topography of the land does not readily permit views of the listed buildings from the application site.

It is therefore concluded that the proposal would not have an adverse impact on the setting of Tyn Y Bryn Farmhouse Cadw ID 18156 and the associated farm buildings Cadw ID 18157.

I would therefore have no objections to the proposal on built heritage grounds.

Ecologist

*Email of 17 July 2017*

Thank you for consulting me with regards to planning application P/2017/0708 which concerns a full application for the Installation of a 17.5m high lattice tower supporting 3 no. antennas and 2 no. dish antennas together with ground based equipment cabinets and ancillary development on Land at Ty'n y Bryn Farm, Tregynon, Newtown, Powys.

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

The data search identified 45 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There is one statutory designated site that is present within 500m of the proposed development:

- Gregynog – SSSI

Having reviewed the nature of the proposed development and the features for which the SSSI is designated, it is considered that there would be no likely negative impact to the SSSI or its associated features.

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

The proposed development appears to be impacting an area of improved grassland which is a habitat of low ecological value. Therefore it is considered that the proposed development would not result in a significant negative impact to, or loss of biodiversity.

While it appears no trees or hedgerow will be re-located or removed for the proposed development. Given the proximity of development works to the trees on the East of the development, 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 it is proposed to provide any external lighting on the proposed lattice tower as part of the potential development, consideration will need to be given to any external lighting to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

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

*Prior to commencement of development a Tree 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.

*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.

## Regeneration

*E mail of 2 August 2017*

Powys County Council's Regeneration Service supports the above planning application for the positive benefits that the proposal can bring to the Tregynon community. The proposal will make a significant contribution to local well-being by reducing the impact of rural isolation and will be a great asset for encouraging local businesses growth.

Digital infrastructure has now developed as an essential utility for communities, businesses and individuals alike as more services are provided by the public, private, and third sector through digital platforms. Outside of the main urban centres the county has very poor digital infrastructure which limits the ability of our citizens to access key services that many in better connected areas take for granted. Investment in digital telecommunications infrastructure can provide a transformational opportunity to address this issue. The County Council is committed to improving digital connectivity across Powys to support local economic growth, create jobs and reduce social isolation and deprivation.

The Powys economy faces major challenges going forward with issues of depopulation and an aging population. The county has the worst levels of coverage for digital connectivity in the United Kingdom second only to the Highlands and Islands of Scotland. Without such infrastructure and digital capacity, businesses will either relocate or fail to grow in the county. Powys needs comprehensive mobile connectivity for business growth which in turn can lead to good quality local employment opportunities for young people and reduce reliance on the low wage economy.

With the forthcoming departure of the United Kingdom from the European Union there will be greater challenges ahead for our agricultural sector. The rural economy will need to become an engine for growth using technology to improve productivity and add value. Digital infrastructure is a key component for this to take place.

Tourism is an important invisible export for the county and wherever they are visitors will expect to be able to have good access to digital services. If the tourism sector is going to be able to compete with destinations outside of the county then access to good quality dependable digital telecommunication infrastructure is essential.

Access to digital services will make a contribution to the reduction of travel journeys, particularly by motor vehicles, for residents in the catchment area. This reduction will help to reduce the carbon footprint of Powys and is a positive contribution towards the sustainable future of the Tregynon community.

The County Council's Economic Development Strategy (2016) recognises the need to extend mobile phone networks and broaden coverage across the county. The Well Being of Future Generations Act 2015 requires the Powys Public Service Board to assess the economic, social, environmental, and cultural well-being of the area. The 2016 assessment exercise

identified that there are large swathes of the county disadvantaged without mobile phone coverage and that improving telecommunications is vital for our rural communities. It is the view of the Regeneration Service that this Planning application will support the aims of the Economic Development Strategy and contribute to the well-being of Powys citizens.

## **Representations**

A site notice was erected at the field entrance into the site, no decision was made for a continuous period of 21 days from the date of the site notice. A total of 58 representations have been received in objection to the proposed development and 14 representations in support of the development. The grounds for objection and support are outlined below.

### *Objection:*

- Health impacts from electromagnetic radiation on the employees and residents of adjacent units
- Visual amenity impact on the residential properties within 50metres of the pole
- Insufficient information to confirm alternative sites have been sufficiently researched
- The pole is within topple distance of the adjacent employment site
- Impact from electromagnetic radiation on wildlife
- Impact from electromagnetic radiation on the health of vulnerable adults living adjacent to the pole site
- Impact on tourism, visual impact of the pole on visitors to Gregynog Hall
- Impact on built heritage, visual impact of pole when viewed from Gregynog Hall

### *Support*

- Improvement to local mobile network coverage to support businesses and safety of lone workers
- Required for rural businesses to be competitive in the market
- Vital support for vulnerable people
- Improvement to local infrastructure

## **Planning History**

No relevant planning history

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (9<sup>th</sup> Edition, November 2016)  
Technical Advice Note 5-Nature Conservation and Planning (2009)  
Technical Advice Note 19-Telecommunications (2002)  
Technical Advice Note 23-Economic Development (2014)  
Technical Advice note 24-Historic Environment (2017)

### Unitary Development Plan for Powys (March 2010)

UDP SP13-Utilities/Service Infrastructure  
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  
UDP ENV7-Protected Species  
UDP ENV14-Listed Buildings  
UDP ENV16-Landscape, Parks and Gardens of Specific Historic Interest  
UDP TR2-Tourist Attractions and Development Areas  
UDP DC4-Telecommunications Apparatus  
UDP DC5-Satellite Dishes, Antennae, CCTV and other Devices

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 Proposed Development

Policy DC4 allows for appropriate telecommunications apparatus subject to appropriate siting, environmental impact, health impacts and design. Policy DC4 states that where feasible, proposals shall share the site or structure of an existing facility, and in appropriate cases, antennae shall be erected on a suitable existing building or structure so as to prevent proliferation.

### Impact on health and safety

A number of representations received in objection to the proposed development raise concerns regarding the potential health impacts of Electromagnetic Fields (EMFs) and the proximity of the proposed mast to the adjacent employment site and residential dwellings to the east. Paragraph 73 of TAN 19 confirms that mobile phones and their base stations transmit and receive signals using EMFs and as such EMFs are all around us. TAN19 goes on to explain EMFs occur naturally and arise from a wide range of man-made sources and are present wherever there is electricity.

Planning Policy Wales (PPW) and Technical Advice Note 19 (TAN19) recognises that health concerns in association with this type of development are common and offers guidance regarding how public health should be considered through the planning process.

The UK Government's statutory advisers on radiological protection matters are the National Radiological Protection Board (NRPB). The Stewart Report was the result of extensive research into the emission of EMFs from mobile phone base stations and suggested a

number of specific precautionary actions that have been accepted by the Welsh Government. Paragraph 12.13.10 of PPW confirms the report does not provide any basis for precautionary actions beyond those already proposed in the Report. Indeed, PPW states *“local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.”* UDP Policy DC4 transcribes this guidance into local policy stating *“with regard to health concerns, the Welsh Assembly Government advises that where telecommunications apparatus are expected to meet the (ICNIRP) guidelines it should not be necessary for a Local Planning Authority to consider further health aspects and concerns”*.

In line with the precautionary actions highlighted in the report and transcribed into national and local planning policy, it is a requirement that applications for development which involves the construction of antennas need to be accompanied by a declaration that the equipment and installation will operate in full compliance with International Commission on Non-Radiation Protection (ICNIRP) guidelines and provide information indicating the development location, the height of the antenna,

The application is supported by an ICNIRP declaration signed the 2<sup>nd</sup> June 2017, the declaration and planning statement confirm the grid reference of the proposed mast, the height of the mast and associated satellite dishes. This information meets the requirements set out under national and local planning policy and as such no objection is raised on the grounds of health and safety.

#### Visual and landscape impact

The proposed mast extends to 17.5m in height and occupies a hill top position and as such the impact of the mast on visual amenity and the character of the landscape needs to be assessed.

Policy ENV2 champions the Powys Landscape, stating it is one of the County’s main assets and maintaining the distinctiveness of Powys’ landscape is an important factor in safeguarding the quality of its environment and ensuring economic well-being. Criteria 5 of policy DC4 advises telecommunication infrastructure shall be designed, finished and where appropriate landscaped and screened to minimise any adverse impact on the character and appearance of its surroundings. The visual impact of the infrastructure is stated as one of the main concerns within representations made in objection to the application.

The Planning Statement submitted with the application confirms Telefonica is obligated through its licencing arrangements with central Government to provide enhanced network coverage to this area of Powys. The Statement details other sites which were considered in the area and briefly explains why they are not suitable. The Statement justifies the proposed location based on the optimum coverage it would provide and the visual benefits of existing screening along the field boundary and grouping the telecommunication structure with an existing industrial site.

#### *Alternative sites*

Supplementary information submitted with the application references 5 alternative sites which have been considered when identifying a suitable location for telecommunication



infrastructure to serve Tregynon and surrounding area. The information table includes a column which briefly explains why the site was considered unsuitable; siting technical difficulties, land ownership issues, and planning issues as reasons for discounting these sites.

The applicant has confirmed there is currently no option to share infrastructure and still achieve optimum network coverage and as such the application is to be considered based on the location proposed.

### *Coverage*

Supplementary information has been provided during the life of the application which includes plans showing the extent of coverage of a mast in the proposed location. TAN19 recognises the constraints when identifying suitable locations for telecommunication infrastructure. Paragraph 19 states “*The location of transmitter antennas is important as signals from one cell will interfere with nearby cells on the same frequency. To avoid blind spots from buildings and hills, antennas must usually be placed high up*”. It is considered the hilltop location is suitably justified and directly related the functioning of the infrastructure.

### *Amended design*

The landscape resource ‘Landmap’ provides an assessment of landscape characteristics, qualities and influences on the landscape throughout Wales. Landmap assigns a value of high to the visual and sensory landscape aspect and a value of moderate the landscape aspect south of Tregynon. The value of high is given based on the extensive area of rolling hillsides, traditional farming techniques and the areas sense of place as settled and safe.

Given the high visual and sensory value assigned to this landscape area, amended plans were submitted detailing a different design for the infrastructure. The amended design comprises a single pole shaft finished in a green colour as opposed to a galvanised lattice tower. No design changes are proposed to the antennas. The amended design is often used for infrastructure within sensitive landscape areas such as conservation areas and areas of outstanding national beauty, the amended scheme is welcomed and would assist in integrating the infrastructure within the landscape.

### *Neighbour amenity*

The site is within 50m of residential dwellings (Cordon View and Poolside) and adjacent employment site (Neo Fabrications) to the east. In accordance with policy GP1 and GP3 consideration needs to be given to whether infrastructure of the proposed scale would reduce the amenity enjoyed by the occupiers of the residential dwelling. The application is supported by photomontages taken from the highway adjoining Cardon View (albeit showing the lattice tower structure and not the updated pole design).

The proposed infrastructure is sited at a higher ground level than the adjacent employment site and effectively looks down on the roof of the industrial buildings but is not considered to have an unacceptable impact on this building and its curtilage. The infrastructure would be visible from the curtilage of Cordon View and Poolside, however the separation distance between the curtilage and infrastructure are sufficient to ensure infrastructure of the proposed

scale would not unacceptably reduce the amenity of the occupiers of the dwellings through appearing overbearing.

Based on the above appraisal, it is considered the proposed siting of the telecommunication infrastructure satisfactorily balances the operator constraints with the need to minimise visual intrusion and as such no objection is raised on visual amenity or landscape impact grounds.

#### Impact on the Historic Environment

The site is located outside of, but close to (approximately 240m) the boundary of Gregynog Registered Historic Park and Garden, the Gregynog grounds accommodates 7 listed buildings. Tyn Y Bryn Farmhouse and associated outbuildings are approximately 500m to the east of the site and are also listed.

A photomontage has been submitted which gives a representative view of the infrastructure from the front of Gregynog Hall. Representations have been received from Cadw and the Authority's Built Heritage Officer. Both concur that the infrastructure would not be visible from Gregynog listed buildings or Park and Gardens due to intervening topography and vegetation. The Built Heritage Officer, following her evaluation, concludes, due to the intervening topography, the proposed infrastructure would not be visible from Tyn Y Bryn farm complex.

Based on the assessments carried out by Cadw and the Built Heritage Officer and the submitted photomontages it is concluded that the proposed infrastructure would not have an unacceptable adverse impact on the historic environment.

#### Impact on Residential Amenity

Criteria 2 of policy DC4 confirms in order to be considered acceptable, telecommunication apparatus shall not reduce the amenity of neighbouring properties, including interference with radio or electrical interference which can't be satisfactorily remedied. TAN19 advises local planning authority may grant planning permission subject to a condition that, before development commences, the developer will ensure that the quality of any reception affected by the development will be restored. However Appendix 2 of TAN19 issues a caution that a blanket planning condition that requires that no interference shall occur will not normally be appropriate or reasonable.

The nearest residential units are approximately 50m from the site and are situated at a lower ground level than the proposed infrastructure. The advice under TAN19 any interference would be handled under the appropriate legislation and would not controlled via a planning condition.

#### Impact on Ecology

The development site would impact a small parcel of semi improved grassland which is considered to have low ecological value. The proposal does not include the loss of any trees or hedgerows, however the infrastructure is close to the existing trees along the eastern field boundary.

The site is located approximately 500m from the nearest SSSI at Gregynog Hall and supports approximately 45 protected species within 500m of the site.

The County Ecologist considers the proposed development would not have an unacceptable adverse impact on protected species of habitats, however in order to ensure the root stock of the existing trees along the eastern boundary are protected, a tree protection plan would be required prior to commencement of development.

Based on the above appraisal and subject to the recommended conditions being attached to any forthcoming consent, the proposed development would not have a detrimental impact on ecology.

### 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**

The proposed development, subject to the attached conditions, is considered to be acceptable and would accord with the relevant national and local planning policies, as listed within this report. As such the recommendation to Members 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 stamped as approved. Plan references include: Proposed Site Elevation (300 C as amended) and Proposed site Plan (200 C as amended) and Site Location Maps (100 A)
3. Prior to commencement of development, a tree protection plan shall be submitted to and approved in writing by the local planning authority. The plan shall be in accordance with BS:5837:2012 and works shall be carried out in accordance with the approved plan.
4. Within 6 months from the last use of the infrastructure hereby permitted the infrastructure and associated works shall be fully removed and the site restored to its former use (agricultural land).

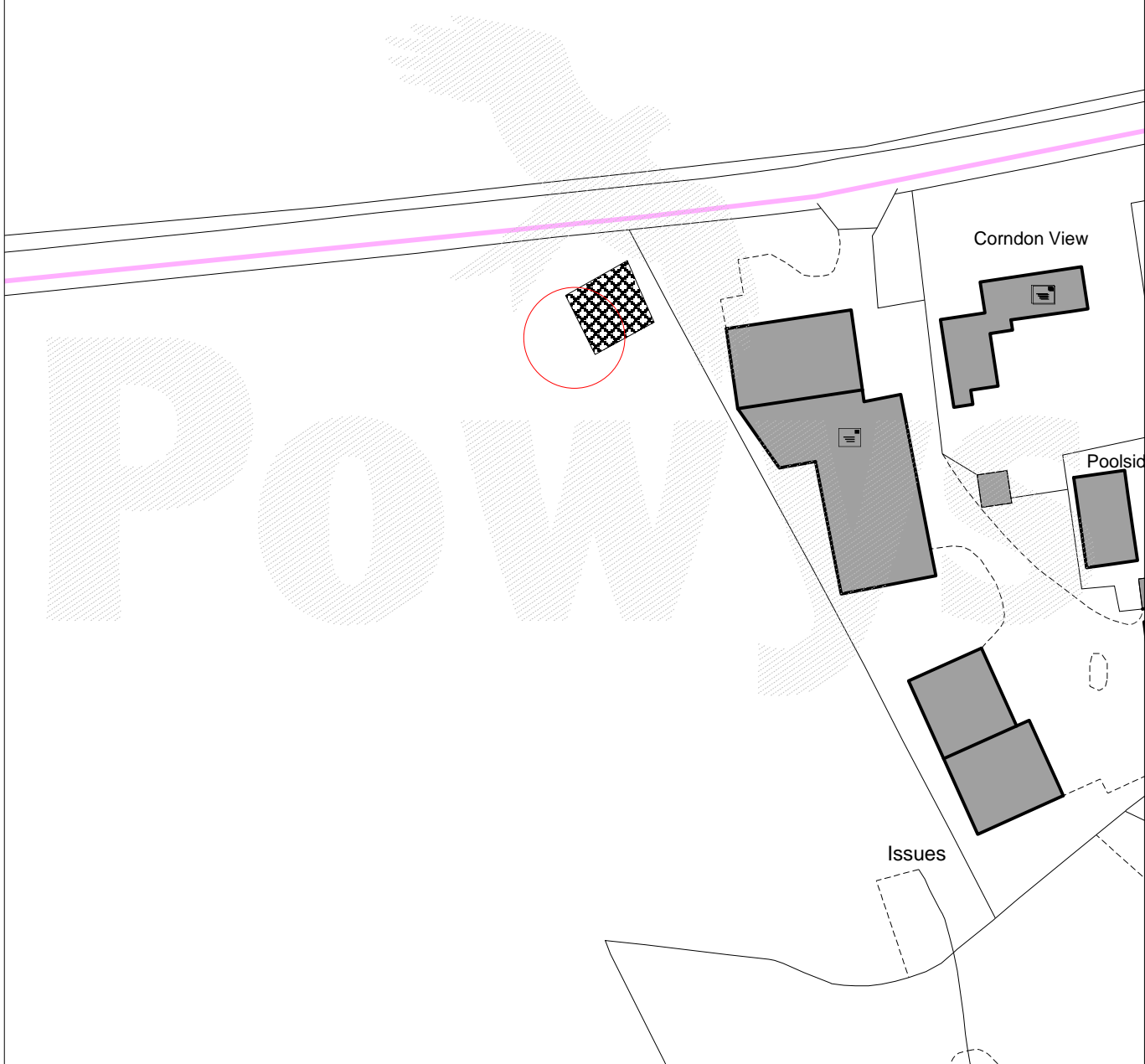
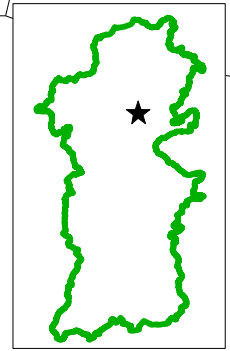
## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of ecology and to accord with Unitary Development Plan policies GP1 and ENV3 (March 2010)
4. In the interests of amenity and to accord with Unitary Development Plan policy DC4 and the Telecommunications Act 1984.

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Case Officer: Dunya Fourie- Planning Officer  
Tel: 01597 82 7319 E-mail:dunya.fourie@powys.gov.uk

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

# 7.3

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

### Update Report

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

#### **Deferment reason:**

This application was considered at the Planning, Taxi Licensing and Rights of Way Committee Report on the 24<sup>th</sup> August 2017 where it was resolved to defer the decision to enable Officers to ask Natural Resources Wales (NRW) to provide comments regarding the potential flooding impact due to the proposed hardstanding's.

#### **Representations**

Since the last committee on the 24<sup>th</sup> August 2017 two further third party objections have been received which are summarised below:

- Increasing the use of the site by making it an all year round facility is the specific reason for developing it.
- The hardstanding pitches have been reduced from 41 to 31 – confusion over the number of pitches proposed.
- Site owners pitch – temporary for 3 years – this is confusing – why invest when not a permanent solution?
- Legal advice sought suggests that the covenant and the gifting of this land to the people of Rhayader has no bearing on the decision of the planning committee. This is confusing.

#### **Officer Appraisal**

On the 12<sup>th</sup> September 2017, the Agent submitted a Post Committee Clarification Statement which has been considered as supplementary information. The Agent confirms that the clarification statement contains no new information but pulls together submissions made during the course of the consideration of the application. The submitted statement is included at Appendix 1.

In addition, on the 12<sup>th</sup> September 2017 the Agent submitted a revised site layout plan. The amendment removes one hardstanding from the south east corner of the site resulting in 30 hardstanding pitches and 30 grass pitches within the site, a total of 60 visitor pitches. This plan was revised on the 13<sup>th</sup> October 2017 on request of the Planning Officer which alters the date and revision number of the plan only for clarity. The plan under consideration is 'Proposed layout - WYE/000/17 Rev C'.

On the 13<sup>th</sup> September 2017, Officers forwarded the Clarification Statement and amended site layout plan to NRW and asked for comments on the potential impact of the hardstanding's and new road. In addition, a query regarding the extended season of the site was raised with NRW.

On the 27<sup>th</sup> September 2017 an email response was received from NRW which is detailed below:

- In response to the question "Will the change to gravel hardstanding's have an impact on flooding issues? NRW have responded that they have no concerns regarding the proposed permeable gravel hardstanding's, which they understand are only intended to formalise the existing pitches.
- In response to the question "Will the tarmac access road within the site have any impact on the site with regards to flooding?" NRW have responded "Also, on the basis that construction of the tarmac access road does not involve land raising, we have no concerns with that proposal"
- An addition a query was raised by Officers with regard to the seasonality of the site. It is noted that the "season" is to be extended as part of the application and NRW's views were sought on this matter. NRW responded "It is not clear from the information provided whether there will actually be an extension to the Opening Season. However should this be the case, whilst this would extend the time period during which occupants of the site would be at risk, this in itself would not be grounds for NRW to raise any objection to this application.

Our advice remains that we recommend an emergency evacuation plan is prepared for the site, in conjunction with Powys CC, the Emergency Planners, Emergency services etc.; Any proposed extension to the Opening Season should be addressed within this Plan. As previously advised, you should note that we do not normally comment on or approve the adequacy of flood emergency response 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. Therefore, we recommend you consider consulting other professional advisors on the acceptability of any emergency plan that is submitted following our advice".

## **Recommendation**

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same with the amendment of condition 3 to include the



submission of a Flood Management and Evacuation Plan prior to commencement of the development.

In addition, as recommended at the August 24th 2017 Planning Committee meeting, Condition 8 is to be amended to read

“8. The site manager’s pitch is to be a temporary residential pitch for a time period of three years from the implementation of this planning permission. Upon the expiry of temporary time period, the pitch shall cease to be occupied and the land shall be restored to its former condition”.

Two additional conditions have been included which relate to the submission of levels of the site (Condition 10) and the submission of details of the hardstandings and access road (Condition 11).

In light of the latest amended proposed site layout plan which indicates 30 hardstanding (plus site managers pitch) and the response of NRW with regard to flooding issues and the extended season of the site, Officers consider that the proposal broadly complies with planning policy and therefore recommendation is one of conditional approval subject to the inclusion of appropriately worded conditions.

## **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 Layout Plan Drawing No. WYE/000/17 Rev C (received 13<sup>th</sup> October 2017), Hardstanding detail STD.15, Tarmacadam Road / Pathway Detail 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 14<sup>th</sup> March 2017, Biodiversity Enhancement Report (June 2017), Flood Risk Consequences Assessment (January 2017), Clarification Statement (received on 12<sup>th</sup> September 2017).
3. Prior to the commencement of the development hereby permitted a Flood Management and Evacuation plan shall be submitted to and approved in writing by the Local Planning Authority and to be fully implemented thereafter.
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 thereafter unless otherwise agreed in writing by the Local Planning Authority.
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 thereafter unless otherwise agreed in writing by the LPA.

6. Prior to the occupation 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 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 site manager's pitch is to be a temporary residential pitch for a time period of three years from the implementation of this planning permission. Upon the expiry of temporary time period, the pitch shall cease to be occupied and the land shall be restored to its former condition.

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 C. 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.

10. Prior to the commencement of development contoured plans of the site and immediately adjoining land and cross sections through the site itself sufficient to demonstrate the existing and proposed levels including finished levels of the proposed road shall be submitted to and approved in writing by the Local Planning Authority and to be fully implemented thereafter.

11. Notwithstanding the approved drawings, full details (including design and materials) of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works:-

- (a)The proposed hardstanding areas
- (b)The new road

## **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 that residential development in the open countryside is justified, in accordance with policy HP4 of the Powys Unitary Development Plan (2010).
9. In order to ensure proper control of the use of the site and to prevent the establishment of permanent residency, in accordance with policy TR7 of the Powys Unitary development Plan (2010).
10. In order to ensure the tarmac access road does not involve land raising, in accordance with policies DC13 and DC14 of the Powys Unitary Development Plan (2010).
11. In order to ensure control of the materials proposed for the hardstanding's and road, in accordance with policies DC13 and DC14 of the Powys Unitary Development Plan (2010).

### **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](mailto: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.

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Case Officer: Karen Probert- Planning Officer  
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk

- Appendix 1. – Clarification Statement – submitted by Agent on 12<sup>th</sup> September 2017.
- Appendix 2 - Report taken to Planning, Taxi Licensing and Rights of Way Committee Report on the 24th August 2017

## **Appendix 1.**

### **PLANNING APPLICATION REFERENCE P/2017/0119 – WYESIDE CAMPING AND CARAVANNING CLUB SITE, LLANGURIG ROAD, RHAYADER, POWYS, LD6 5LB**

#### **CLARIFICATION STATEMENT**

Following the Planning Committee meeting on 24th August 2017 where Members considered the planning application for site upgrades and improvements at the Wyeside Camping and Caravanning Club site at Rhayader, this Clarification Statement has been prepared to specifically address the concerns and requests raised by the Planning Committee Members. The Clarification Statement addresses the following matters, referred to under separate subheadings below:

1. Total Number of Pitches
2. Proposed Hardstandings
3. Site Manager's Pitch
4. Public Right of Way

#### **1. Total Number of Pitches**

The Site will, as a result of The Camping and Caravanning Club lease and operation, provide a blend of pitches for tented camping, touring caravans and motorhomes with a total of 60 pitches. Of these 60 pitches, 30 existing grass pitches will be converted to hardstanding pitches whilst 30 will remain grass pitches. However, there is no restriction on the number of pitches which may be provided for tented camping, with tents able to pitch on the grass whilst associated vehicles park on adjacent hardstands. In essence, the site will cater for demand.

The number of pitches is dictated by the Caravan Sites and Control of Development Act 1960 which sets out Model Standards for Touring Caravan Sites. The Model Standards, which the applicant complies with on all of their UK sites dictates standards on density, spacing of units/pitches, amenity facilities, chemical disposal points, washing points, electrical installations, refuse disposal, site notices and fire precautions.

The current application seeks to ensure that the applicant is able to provide all relevant amenities to serve the site in accordance with the requirements of the Model Standards and it is the spacing requirements which dictates the number of pitches that the Club is able to provide on the site.

#### **2. Proposed Hardstandings**

During the consideration of the planning application, Natural Resources Wales (NRW) have provided a number of consultation responses. These have confirmed, most recently on 23rd May 2017 that as the application seeks only to convert hardstanding pitches and not increase the overall number of pitches, nor change the use from camping and caravanning or increase the opening season (on which there are no restrictions), the proposals will "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." The proposed conditions that would be attached to any planning permission issued would require a detailed Flood

Management Plan and indeed this is something which the applicant employs on all of their UK sites. This point was not disputed by Committee Members. However, Committee Members did request confirmation that NRW had no objection on flood risk grounds with regard to the proposed hardstanding pitches. NRW's consultation response dated January 2017 stated that it would be preferable if the proposed hardstanding pitches are permeable in nature and during the Planning Committee meeting the applicant was specifically asked to seek confirmation from NRW that the proposed hardstanding pitches were acceptable to them in terms of flood risk.

The Flood Consequences Assessment submitted with the planning application set out the drainage proposed for the site following the improvements.

Currently, the runoff generated by the site informally infiltrates from grassed areas and runs off in wet weather conditions to the River Wye, with no formal drainage network on site. Following the implementation of the proposed site upgrades and improvements the hardstanding pitches created will be permeable. They will be finished in stone/gravel and surface water will infiltrate through.

In addition, as shown on the Drainage Plan (Drawing No. WYE/000/17/PB: Proposed Drainage Layout) accompanying the application, a filter drain will be located either side of the proposed road, for its whole length. The road will be cambered to allow surface water to fall to the channels and filter drains and soakaways will be provided to ensure that runoff does not reach the river.

### **3. Site Manager's Pitch**

The Wyese Camping and Caravanning site that is the subject of this application will be managed by the site management team, consisting of four people who will be based on site. Staff roles include taking bookings, dealing with all site enquiries and ensuring that the site is operated within the policies and procedures of the Club and also relevant law. Staff guide each camper to the pitches and ensure that they are positioned within the fire regulation requirements. They are also the first point of call to assist the campers for general enquiries and in the case of an emergency. During the opening season, a campsite is operation 24 hours a day, 7 days a week so staffing is carefully managed to ensure working time regulations are met and sufficient cover is always in place to manage the site. The roles and duties of the site staff, require them to reside on site whilst the site is open, hence the need for the site staff pitch as proposed within the planning application. The site staff will reside within their own caravan accommodation on this staff pitch.

Prior to the Applicant's lease and operation of the site it is noted that the site staff lived in the reception building that is within the wider blueline, but the Applicant is no longer using this for living accommodation. The Applicant intends to fully refurbish the reception to provide their customers with a modern and accessible reception facility, including meeting current Disability Discrimination Act requirements.

In order to ensure that the Site Manager's Pitch is occupied only for the purpose of staff employed by the Applicant a suitably worded condition could be attached to the grant of any planning permission as follows:

*At no time shall the Site Manager's Pitch shown on Proposed Site Layout Plan WYE/000/17/PB be occupied by any persons other than those employed in the daily functions / operations of maintaining the Wyese Camping and Caravanning Site.*

#### **4. Public Right of Way**

Public Byway RD420 crosses the site between the A470(T) across the development site to the River Wye. This is outside of the redline application area but no development will affect the byway which will remain fully accessible.

Should further clarification be needed on any matter relating to the application we would be pleased to answer any queries and trust that this Statement answers the outstanding matters, to enable Members to follow the Planning Officer's recommendation for approval of the application.





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 30<sup>th</sup> 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 24<sup>th</sup> February 2017*

The following points are noted for your consideration:

1) Councillors had held a meeting at the site on 16<sup>th</sup> 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 in 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 14<sup>th</sup> 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 21<sup>st</sup> 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 3<sup>rd</sup> 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 16<sup>th</sup> 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@dwrwymru.com](mailto:developer.services@dwrwymru.com)

*Second email response received 4<sup>th</sup> 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. 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](mailto:developer.services@dwrcymru.com)

PCC - Ecologist

*First email response received 16<sup>th</sup> 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 Wyeside 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](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.

*2<sup>nd</sup> email response received 8<sup>th</sup> 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 its 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.

#### PCC - Land Drainage

No response at the time of writing this report.

#### Natural Resources Wales

*First response received 9<sup>th</sup> 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 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 included any information as the 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 24<sup>th</sup> 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

Condition1 - 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 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 be 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 23<sup>rd</sup> 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 19<sup>th</sup> 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-ppgs-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 3<sup>rd</sup> 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](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK).

*Second email received 13<sup>th</sup> 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](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK).

#### Countryside Services – Rights of Way

*First email received 6<sup>th</sup> 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 11<sup>th</sup> 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 1<sup>st</sup> March 2017*

I have no comments to make.

Commons Registration (Recreation and Countryside Services)

*Email Received 7<sup>th</sup> 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 Wyeside 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 5<sup>th</sup> July 2017 following submission of revised plans:*

Commons Registration has no additional comments.

PCC Emergency Planning Officer

No response at the time of writing this report.

Wales and West Fire Service

No response received at the time of writing this report.

Open Spaces Society

No response received at the time of writing this report.

Powys Ramblers Association

No response received at the time of writing this report.

## Representations

A public site notice was displayed on the 24<sup>th</sup> February 2017. A revised site layout and supporting information were received on the 29<sup>th</sup> June 2017 and revised site notices were displayed on the 3<sup>rd</sup> 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 Wyeside 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 relevant 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 29<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 tarmacadam 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 29<sup>th</sup> 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 1<sup>st</sup> 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 thereafter unless otherwise agreed in writing by the LPA.
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 thereafter unless otherwise agreed in writing by the LPA.
6. Prior to the occupation 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 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 accommodation shall be limited to a person solely or mainly employed or last employed in the business occupying the site identified as the Wyeside Caravan Park edged in 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](mailto:developer.services@dwrcymru.com)

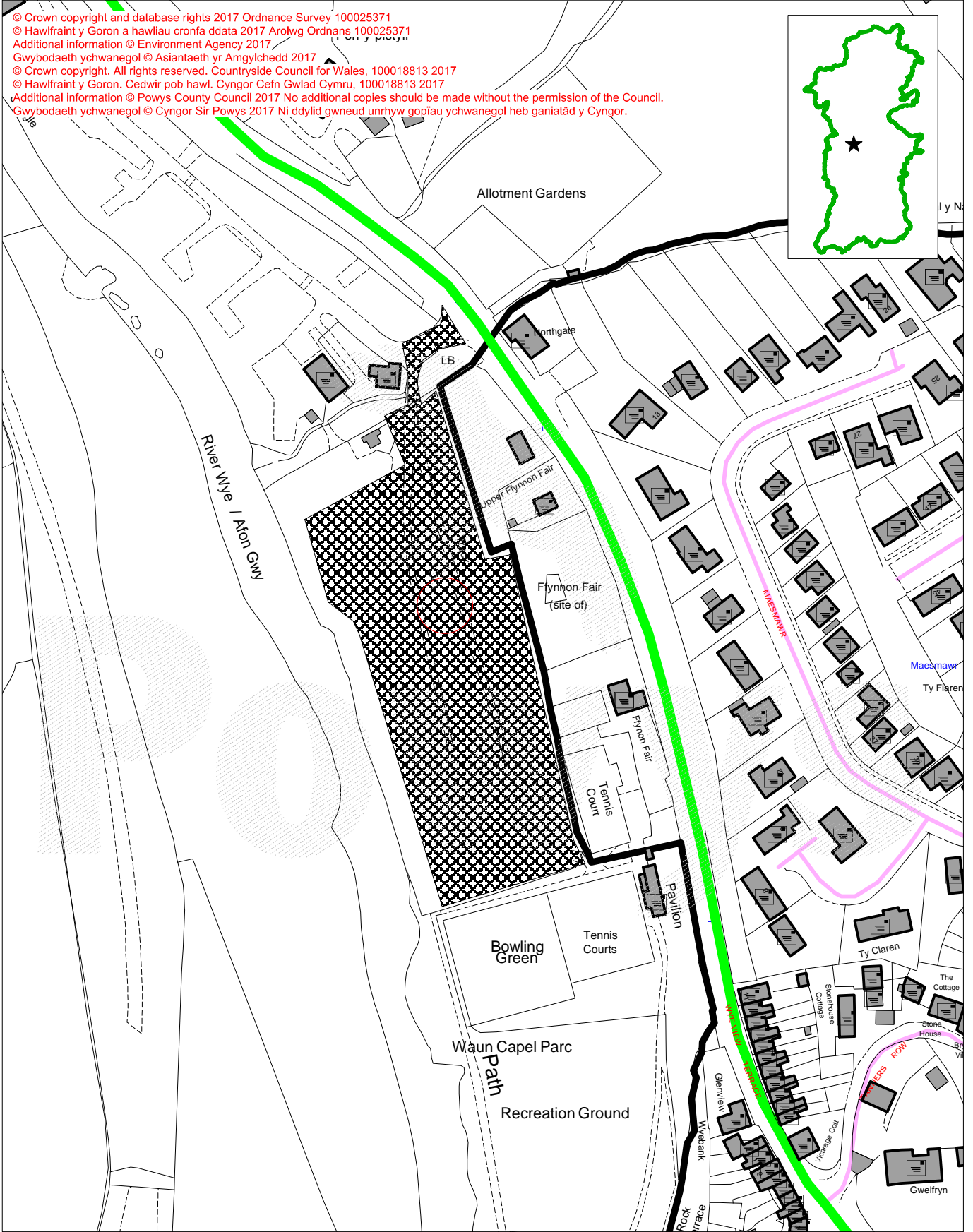
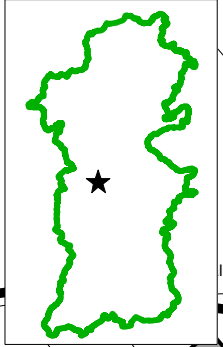
### Wales and West

The applicant's attention is drawn to the comments of Wales and West Utilities which are attached to this decision notice for attention.

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Case Officer: Karen Probert- Planning Officer  
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk

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

# 7.4

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

<b>Application No:</b>	P/2016/1145	<b>Grid Ref:</b>	307169.13 261392.84
<b>Community Council:</b>	Llandrindod Wells	<b>Valid Date:</b>	<b>Officer:</b> 21/11/2016 Thomas Goodman
<b>Applicant:</b>	Mr Paul Rowlands, PAR Homes Ltd, Lower Gaufron Farm, Howey, Llandrindod Wells, Powys, LD1 5RG		
<b>Location:</b>	Site Adjacent to Cae Eithin, Cefnlllys Lane, Llandrindod Wells, Powys, LD1 5LE		
<b>Proposal:</b>	Outline (some matters reserved): Erection of 4 dwellings, new access and associated works		
<b>Application Type:</b>	Application for Full 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 proposed development is located within the open countryside as defined by the Powys Unitary Development Plan (2010).

To the north of the application site runs Cefnlllys Lane, to the east and south is agricultural land and to the west is the settlement development boundary of Llandrindod Wells and a number of residential dwellings.

Outline consent is sought for the erection of 4 detached dwellings and the creation of a new vehicular access. Matters relating to landscaping, appearance, layout and scale are all reserved for future consideration and therefore the principle of development and access is required to be determined in this instance.

### Consultee Response

#### Llandrindod Wells Town Council

The above planning application was placed before my Council at its meeting held on 20<sup>th</sup> December 2016.

The Town Council objects to this application on the following grounds and recommends refusal.

We would like to make strong objections to Planning Application P/2016/1145 on behalf of both the local Upper Cefnlllys Lane and the Lower Broadway residents.

This site, No 604 of the potential sites for the original PCC LDP 2011/2026 was rejected by the PCC LDP Planning Department, and opposed by the Llandrindod Wells Town Council in 2011/2012. The reasons for both of these objections are still valid.

The proposed development site is in a most unsuitable location in upper Cefnlllys Lane which is narrow and winding with few dwellings. The proposed development site, is just past two sharp blind bends and a steep slope, a potentially dangerous location given that the occupants of the 4 four bedroom houses could use at least eight vehicles.

There are no pavements or local buses, and sewage and water facilities could also be a problem. Radnorshire Wildlife Trust is submitting an environmental overview.

The site will also be paved which will increase the surface water run-off into the Arlais Brook, which at the Lower Broadway 'Fiveways Flood Relief Scheme Barrier and Retention Pond', is already at its maximum capacity, when full with excess surface water flowing over the spill way into the Broadway Culvert.

The Llandrindod 'Fiveways Flood Relief Barrier Scheme' at Lower Broadway, is a catalogue of RUDC, PCC Planning and PCC Engineering missed opportunities, and any new building developments in the Upper Arlais Brook catchment area can only exacerbate the potential for downstream flooding, especially at the Lower Broadway Fiveways Flood Barrier Scheme.

To clarify the problem, we will catalogue the Arlais Brook flood events in order:

- Llandrindod has been built upon a narrow north/south flood plain and the Arlais Brook is the main surface water carrier for the area.
- In the 1900's there were flooding incidents at Five Ways, and in 1932 the area was flooded to a depth of several feet, with major damage to local properties.
- The RUDC decided to build a 'Fiveways Flood Relief Scheme at Lower Broadway' with a Flood Barrier, a Surface water Retention Pond and an earth Bund Wall to protect local resident's properties. To limit the potential flow of surface water to Fiveways only a small 24 inch release throttle was installed.
- The scheme appeared to work reasonably well, with I presume maintenance.
- In 1980/1 the PCC (owners) granted planning permission for the development of 6.2 acres of the Upper Arlais Brook. This was very controversial at the time.
- In 1980/1 the PCC then sold the land to the Land Authority for Wales (LAW) for £90k with a Covenant for 5 dwelling per acre. Gorse farm was a bog.
- In 1981 the RUDC agreed with the LAW to improve the Lower Broadway flood relief scheme with a larger Retention Pond and a higher Bund wall. A report was made of the previous Arlais Brook flooding history including flow calculations.
- A paragraph stated that with both culverts operating at maximum surface water flow there was insufficient capacity to deal with a twenty year storm.
- 1980's the LAW Upper Cefnlllys Lane land then went out to tender and was purchased by Cambrian Construction Ltd.
- In 1985/86 the RUDC approved Phase 1 of the Gorse farm development with Cambrian. The Developer submitted plans for 55 dwellings (in excess of the

covenant number) and the RUDC insisted that the Developer build a Large 'Gorse Farm Balancing Pond' to compensate for the loss of the Gorse Farm bog.

- The Developer completed the development work in 1985/9 and was instructed to deposit a Surety of £25k with the RUDC to ensure that the large Gorse Farm Balancing Pond would be maintained in good order.
- In 1996 Radnorshire, Brecknockshire and Montgomeryshire amalgamated into the County of Powys. The Gorse Farm Pond Surety was handed to the PCC.
- In 2000/01 Residents discovered that the Gorse Farm Balancing Pond has silted up and had been handed over to RWT together with the balance of the Surety £11k. One presumes that no maintenance had been performed by the PCC.
- 2001/2 The Lower Broadway retention Pond was slightly enlarged, one presumes to compensate for the loss of the Gorse Farm balancing pond.
- There then occurred a series of Flooding incidents at the Lower Broadway Flood Relief Site.
- In 1998 a beer barrel became stuck in the 24 inch throttle. Properties flooded.
- 2002/3 A large Tree trunk and a large piece of plywood were removed from the culvert. Specialist engineering work then revealed tree roots inside the culvert. These were removed and the tree was cut down.
- 2004. Following intense pressure from residents the PCC produced their 'Five Ways Flood Relief Scheme' Report for further studies. (15%PCC/85%WAG).
- 2005. 8/11. A large wooden Bridge became stuck in the culvert.
- 2006. Upgrading Project work approved. £160k (15% PCC – 85% WAG).
- 2007. Ground work commenced. The Bund Walls for Lant Ave and Broadway were raised and strengthened and the Retention Pond enlarged. The Upper Bund wall is now of stone while the Lower Bund Wall is still made of earth. The 24 inch throttle remained and a 'protection guard' was fitted.
- 2008. Another near miss with flooding. Engineering work not started.
- 2008. 5/09. The Contractor left a pile of bricks on the spillway. The water rose, hit the bricks, burst through the sand bags and flooded residents properties. This was negligence and should never have happened.
- 2009. An overspill guard was fitted. It was then noticed that when the pond was full, the 24 inch throttle created a whirlpool and eddy currents which eroded the earthen Bund Wall where it joined the concrete barrier. The PCC were informed.
- 2009. December. Contractors installed large stone blocks at the Bund wall and Concrete Barrier Junction.
- 2010. October. A wooden Pallet was caught by the overspill retention guard. The pallet was large enough to have blocked the culvert.
- 2011/2012. December/January. Really heavy rain for several days. The Retention Pond filled and overflowed over the spill way. The Memorial Gardens bridge was under water and there was flooding at the Metropole Hotel entrance.
- 2013/14. Decemer/January and 6<sup>th</sup> Februrary. Very heavy rain. The earthen Bund Wall was again being eroded. The PCC Land Drainage was informed.
- 2014/15. Retention Pond full on several occassions. Bund Wall still eroding.
- 2016. Early heavy rain. But the year was mostly dry. The PCC Land Drainage Department cleared much of the silt from the Retention Pond in the summer,

but did not sort out the Bund Wall erosion. This could now become a dangerous situation.

#### Conclusion:

The Arlais Brook is the main surface water carrier from the NE to the SW of the Llandrindod, which is built upon a flood plain. The RUDC originally built a Flood Barrier, Retention Pond and a Residents protection Bund Wall at Lower Broadway, but unfortunately only with a small 24 inch dam water release throttle.

Over the years extensive developments have taken place in the Upper Arlais Brook area greatly increasing the surface water runoff flow. The authority reaction to these developments has been to enlarge the Retention Pond and raise and strengthen the residents Bund Wall, but not unfortunately at the lower end, which is still earth.

We now have a situation where, when full, there is several hundred tonnes of water in the Retention Pond, with an earthen Bund Wall which is being slowly eroded. Basically the 24 inch Release Throttle is too small for the system, as now built.

In the last few years Mid Wales Housing bought the end House directly below the 'Fiveways Broadway Flood Scheme Barrier', just where the earthen bund wall is eroding. A family with a disabled child now live in this house, and if the bund wall were to breach, the whole family and the disabled child would be at serious risk of harm. This is a possible accident waiting to happen. The PCC Land Drainage Dept. has been informed and have been copied into this e-mail.

We trust you will seriously consider the points contained in this letter of objection.

#### PCC - Highways

*Consultation response received 14/02/2017:*

"The Highway Authority have no objection in the principle to the provision of a small scale residential development at this location.

Cefynllys Lane is generally in excess of 5 metres wide along much of its length from its junction with Broadway towards the proposed development site itself. The current levels of traffic along the route are relatively low for a road of this nature and therefore there are no concerns from a highway capacity perspective. Whilst the carriageway does narrow in the vicinity of the proposed access to the site, the narrowing is over a relatively short length, where visibility to oncoming traffic is good and where localised widenings are available; these provide adequate passing opportunity.

The data supplied within the Traffic Speed Survey document which accompanies the application, demonstrates that a suitable access, providing visibility in line with Manual for Streets parameters can and will be provided. The development is likely to generate in the region of 5-7 additional vehicular movements per dwelling on a daily basis, which over a typical 12 hour period is likely to generate an additional 2-3 vehicular movements per hour onto Cefynllys Lane. There are no recorded Road Traffic Collisions along the length of



Cefynllys Lane as far as it extends to the site and the slight increase in traffic this scheme will generate will not unduly increase the risk of such.

Whilst footway provision is in place along much of Cefynllys Lane it is noted that such provision does terminate some 350m short of the proposed site entrance. It is therefore recommended that the developer considers providing an internal link footway within the site to link up with Cefynllys Lane on the western boundary; this will provide a far shorter and appropriate desire line for those pedestrians wishing to travel from the site towards the town and decrease the length over which pedestrians would forgo footway provision to some 140m. I would also recommend that the developer investigate the viability of providing the missing footway link that currently exists between the site boundary and the area to the west of the site, though I recognise that this may not be achievable due to existing constraints.”

*Consultation response received 23/03/2017:*

The provision of an internal footpath link as detailed on latest submitted drawing 4631/1B does significantly improve the pedestrian desire line from the development site towards the town. Whilst the provision of the missing footway link along Cefynllys Road would be desirable, the constraints raised by the developer are noted and it is also acknowledged that walking distances without footway provision are no greater than those experienced by the neighbouring properties. In light of the above, the Highway Authority recommends that the following conditions be attached to any consent granted.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

HC4 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling 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 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 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

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.

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.

HC19 No dwelling shall be occupied before the internal link footpath is fully constructed to a standard to be agreed in writing by the Local Planning Authority. The footpath shall be retained for its designated use for as long as the development hereby permitted remains in existence.

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 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,

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.

#### Wales & West Utilities

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.

#### PCC - Rights of Way

Thank you for the opportunity to comment on this planning application.

Footpath RL1634 crosses land, which the applicant owns, but is not within the development area, shown red on the location plan and block plan, instead passing between the properties Linwood and Cae Eithin to meet the road.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

#### Powys Ramblers Association

Thank you for the opportunity to comment on this application.

We are in agreement with the comments made by Countryside Services. In the event of permission being granted can the applicant please be advised of the importance of making sure that the nearby right of way is not obstructed during the course of any development works.

#### PCC - Land Drainage

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 adjacent to the 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 surface water flood mapping in our possession, there is a risk of localized surface water flooding to the adjacent public highway. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows a 'medium' chance of flooding from surface water along the public highway. It is uncertain whether or not the proposed development site is at risk from this localised surface water flooding, particularly if a new access is created across the adjacent watercourse. In this particular case the submission of a topographic survey will be required in order to determine if the site is at risk.

The watercourse flowing adjacent the site is deemed an Ordinary 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). Powys CC is generally oppose the culverting of any watercourse for development intentions, unless for access purposes.

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.

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.

Recommendation: An appropriate FCA should be prepared to evaluate and assess any localised surface water flood risk prior to the granting of any permission.

Reason: To ensure that the proposed development does not compromise the function of the watercourse channel and that any proposed alteration to this system is fully compliant with regulations and are of robust design.

#### Surface Water Run-off

Observation: 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 publish interim national standards on an advisory basis, to 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 300m<sup>2</sup> floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development follow and incorporate Welsh Government's SuDS interim 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: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru - Welsh Water. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows.

*Consultation response received 11/10/17:*

Thank you for re-consulting the LLFA regarding the above application.

Having reviewed the FCA prepared by Waterco dated September 2017 (see attached), the LLFA find the conclusions of the report acceptable. However, the LLFA ask that the following informative note is applied in respect to the proposed culverting of the adjacent watercourse.

Informative: The proposed culverting of the Ordinary watercourse to form the new access will require the prior written consent from Powys County Council under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant Ordinary Watercourse Consent application forms and guidance should be sought from the County Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to this watercourse.

In respect to surface water drainage, the LLFA's response/recommendation dated 9th of February 2017 is still valid.

#### PCC – Ecologist

*Consultation response received 20/12/2016:*

The current EIA screening threshold for housing developments is provided by the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. Under Schedule 2, Section 10(b) EIA screening is required if an urban infrastructure project will:

- exceed five hectares;
- include more than 150 dwellings;
- or include more than one hectare of urban development that is not a dwelling house development.

The total site area is 0.497ha and the development involves the creation of 4 residential dwellings. The proposal is therefore not considered to meet or exceed the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 Schedule 1 threshold for mandatory EIA or the Schedule 2 threshold for an EIA Screening opinion to be required.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following European protected species within the vicinity of the site:

- Great Crested Newt: several adults (male and female) in 2012 and 2013 from Cefnlllys Lane and from Gorse Farm Local Wildlife Trust reserve (most recently in 2007);
- Bat species: records of at least three bat species from east and west of the development site.

Aerial imagery from 2016 indicates that the development site could be suitable to support these features, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following National protected species within the vicinity of the site:

- Badger: one record nearby from 2012;
- Nesting birds: numerous nesting bird species have been recorded to the west of the site, including Red Kite (see below for Section 7 Priority Species).

Aerial imagery from 2016 indicates that the development site could be suitable to support these features, as well as various reptile species, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

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.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following Section 7 priority species within the vicinity of the site:

- Birds including Yellowhammer, House Sparrow, Starling, Dunnock and Red Kite, which could nest within the site;
- Polecat: there are several older records from the vicinity around the site;
- Brown Hare: one record to the east from 2009.

Aerial imagery from 2016 indicates that the development site could be suitable to support these features, as well as Hedgehog, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

Aerial imagery for the site also indicates the potential presence of lowland heathland habitat (a Section 7 priority habitat).

The proposed development site appears to be bordered by hedgerows and trees. The proposed retention of trees around the site boundary is welcomed, as is the planting of native stock hedgerows (a Section 7 Priority habitat) and trees within the development.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following LBAP species within the vicinity of the site:

- Holly Blue butterfly: a record from the site in 1998
- Birds of local importance, of which Goldfinch, Greenfinch and Blackbird could nest at the site.

Aerial imagery from 2016 indicates that that development site could be suitable to support these features, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

The Bach y Graig Stream Section SSSI is located approximately 350m to the south of the proposed site.

No other national sites are located within 500m.

The Gorse Farm Local Wildlife Trust reserve is located approximately 300m to the south-west. The site is acknowledged to support Great Crested Newt and Otter among other wetland species and habitats.

No other local sites are located within 500m.

No ecological survey information has been submitted with the application, but there is a historical record of Japanese Knotweed adjacent to the development site in the roadside verge to the north from 2001.

The range of historic biodiversity records within and adjacent to the development site indicates that various protected and priority species could be affected by the proposed development. A Section 7 priority habitat (lowland heathland) could also be potentially affected. However, insufficient ecological information has been provided with this application to adequately determine its potential impact on biodiversity.

An extended Phase 1 habitat survey including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

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 Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

*Consultation response received 24/03/2017:*

Thank you for sending through the additional information submitted in relation to planning application P/2016/1145.

The additional information submitted comprises a Preliminary Ecological Appraisal produced by Just Mammals LLP dated February 2017.

I have reviewed the submitted report and note that within Section 10. Recommendations of the report additional information has been identified as necessary:

- Section 10.1 – this section identifies that the creation of the access for the new site has potential to impact great crested newts and reptiles, great crested newts are European protected species and reptiles are protected against killing and injury under the Wildlife and Countryside Act 1981 (as amended). Section 10.3. states that survey effort for these species is not recommended as the habitat affected is only likely to be used for hibernation purposes – survey techniques for these species rely on the animals being active and could yield a false negative result. Whilst surveys are considered inappropriate the need to demonstrate that the proposed development can be undertaken in a manner that would not result in a negative impact to these species or their favourable conservation status – it is therefore considered that a detailed Reasonable Avoidance Method Statement for great crested newts and reptiles is required to be submitted prior to determination of the application.
- Section 10.2 – this section identifies that further survey work for bats must be carried out, the specific trees to be removed must be assessed in detail for their potential to provide roosting opportunities for bats - it is therefore considered that a bat survey of any mature trees affected by the proposed development and any associated infrastructure is required to be undertaken and the results and any necessary mitigation measures to be submitted prior to determination of the application.
- Section 10.4 – this section identifies the need for a Pollution Prevention Plan to be drawn up, this information could be secured through a planning condition, however as further information has been requested the provision of a Pollution Prevention Plan at this stage would avoid the need for a pre-commencement condition to be attached should planning permission be granted. 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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412bwfe-e-e.pdf)

- Section 10.6 – this section makes reference to biodiversity enhancement opportunities at the site, 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. The submission of 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.

Therefore in light of the additional information submitted it is considered that further information in the form of:

- Great Crested Newt and Reptile Reasonable Avoidance Method Statement
- Bat Survey and Mitigation Plan - for any mature trees impacted by the proposed development and associated infrastructure

This information is required to enable the LPA to assess the impacts of the proposed development to biodiversity – a material consideration in the planning process. This information is required prior to the determination of the application.

*Consultation response received 09/07/17:*

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2016/1145.

The additional information provided has been submitted to address to my previous consultation response dated 24th March 2017 where identified that the following information was required prior to determination of the application:

- Great Crested Newt and Reptile Reasonable Avoidance Method Statement
- Bat Survey and Mitigation Plan - for any mature trees impacted by the proposed development and associated infrastructure

In order to address this the following reports have been submitted:

- A Method Statement for Great Crested Newts produced by Just Mammals Consultancy LLP dated June 2017
- Ecological Survey Report produced by Just Mammals Consultancy LLP dated May 2017

I have reviewed the additional information submitted and I consider that the survey effort employed was appropriate and that the recommendations identified are appropriate, achievable and in accordance with National Guidelines. I consider that the additional information submitted is sufficient to enable the LPA to assess potential impacts of the proposed development to Biodiversity.

Due to the known presence of great crested newts in the local area further details regarding measures proposed to ensure no negative impacts to this species were requested. A great crested newt reasonable avoidance method statement has been identified this includes restrictions to timing of works, supervision of works by Ecological Clerk of Works, inclusion of amphibian underpass in new access road, provision of enhancements to compensate for the loss of potential great crested newt hibernation habitat and provision of replacement habitat to compensate for the loss of hedgerow required to accommodate the proposed access for the development site. It is recommended that these measures are secured through appropriately worded conditions.

In order to determine whether the proposed development would result in negative impacts to roosting bats surveys of mature trees affected by the proposed development were requested. Two mature trees are proposed to be removed to accommodate the new access, a surveys of these trees was undertaken in May 2017, no evidence of bat roosting was observed during the survey and the trees are not considered to support roosting bats. Whilst no bats were recorded roosting in the trees the report identifies that consideration will need to be given to the potential presence of nesting birds when undertaking works to the trees and the need for wildlife sensitive lighting as part of the proposed development to minimise impacts to foraging and commuting nocturnal wildlife in the local area.

Having reviewed the additional information submitted and survey results it is considered that the proposed development would not result in significant negative impacts to the biodiversity subject to adherence to the identified recommendations and mitigation measures.

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 in Section F - Avoidance, Mitigation and Compensation Strategy of the Method Statement for Great Crest Newts produced by Just Mammals Consultancy LLP 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 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 detailed plans regarding the Amphibian Underpass to be installed in the new access road shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved 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 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, Planning Policy Wales (Edition 9, November 2016), and 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 Informatives:

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.

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](mailto:enquiries@bats.org.uk)

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.

NRW

Thank you for referring the above consultation received by us on 14th December 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.

Requirement 1 – An extended Phase 1 habitat survey is required to identify the habitats on and adjacent to the site and their potential to support protected species and invasive non-native species.

#### Great Crested Newts

No ecological reports have been provided with this planning application. There are records for Great Crested Newts and ponds within 250m of the proposal. We note that the LPA ecologist has provided comments on this proposal and we agree with the recommendations and further assessment required.

#### 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 03000653000.

#### Foul Drainage

We note that foul water disposal will be to mains sewer and that Dwr Cymru / Welsh Water have been consulted. They have advised that surface water must not be directed to the foul sewer network. Wherever practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into the design with the reserved matters 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.

*Consultation response received 15/09/2017:*

Thank you for reconsulting NRW regarding the above application. Our response dated the 3rd of January is still valid.

### **Public Response**

Following the display of a site notice and press advertisement, 11 representations (objections) have been received which make reference to the following:

- Dangerous, narrow access and surrounding pedestrian/vehicular network
- Forward visibility concerns.
- Increased usage of a narrow road.
- Misleading traffic survey figures
- Impact on bats
- Surface water on roads and flowing into the surrounding area
- A shortage of houses in Llandrindod Wells
- Proximity to the Town Centre.

### Radnorshire Wildlife Trust

On behalf of Radnorshire Wildlife Trust I wish to object to this planning application.

There are a number of reasons for our concern including such a development - which would inevitably lead to further applications in future - pushing the current development boundary of Llandrindod Wells into what is currently open countryside.

Our chief concern is that this proposed development is within close proximity to a known great crested newt breeding pool on Cefnlllys Lane and the applicants should provide a thorough ecological assessment of the status of great crested newt on the site and a method

statement should the application ever be granted. The great crested newt and habitats surrounding their breeding sites are afforded legal protection under UK and EU legislation.

Without this vital information, we do not see how a determination can be made of this application by Powys County Council. Under Powys County Council's own Supplementary Planning Guidance (SPG) for biodiversity, surveys for great crested newt should be carried out at the appropriate time of year if they are to be considered by the planning officer(s) and local authority ecologist(s).

## **Planning History**

-PR646500

## **Principal Planning Constraints**

-Public Right of Way  
-Open Countryside

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)  
Technical Advice Note 2 – Planning and Affordable Housing (2006)  
Technical Advice Note 5 – Nature Conservation and Planning (2009)  
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)  
Technical Advice Note 12 – Design (2016)  
Technical Advice Note 15: Development and Flood Risk (2004)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 23 – Economic Development (2014)

### Local planning policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy  
SP3 – Natural, Historic and Built Heritage  
SP5 – Housing Developments  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV1 – Agricultural Land  
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 Developments

HP6 – Dwellings in the Open Countryside  
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries  
DC8 – Public Water Supply  
DC9 – Protection of Water Resources  
DC11 – Non-mains Sewage Treatment  
DC13 – Surface Water Drainage  
TR2 – Tourist Attractions  
RL6 - Rights of Way and Access to the Countryside

Powys Residential Design Guide (October 2004)

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

## **Officer Appraisal**

### 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 adjoins a settlement development boundary. Policy HP4 states that ‘outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.’ It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

### Five Year 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) 2015 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”.

The JHLAS identified an undersupply of housing land within Powys and, 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.

### Sustainability

In considering the proposed development, Members are asked to consider whether the provision of four dwellings in this location is sustainable. This can relate to a wide range of matters including transport, education, shops and services.

It is noted that the proposed development is adjoining the settlement development boundary of Llandrindod Wells an Area Centre town. Llandrindod Wells has a range of facilities including several schools, shops, employment sites and banks and is therefore considered to be a sustainable location.

### Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

The proposed development seeks to create a new access onto Cefynllys Lane. Powys County Council’s Highway Authority has been consulted on the proposed development and has stated that they have no objection in principle to the provision of a small scale residential development in this location.

Following the submission of further information, including the provision of a footpath the Highway Officer confirmed that this significantly improves the pedestrian link from the development site to the town. The Highway Officer confirmed that no further information was required and that should the application be approved, appropriately worded conditions should be attached to any granting of consent to secure an adequate access, visibility splays, parking and the provision of a footway.

In light of the above and subject to the attachment of appropriately worded conditions, the proposed development fundamentally complies with Policy GP4 of the Powys Unitary Development Plan (2010).

### Appearance, Layout and Scale

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.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

### Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard and enhance protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

No ecological information was originally submitted in support of the application. The Council's Ecologist confirmed that following a search of the local biodiversity records database there were records of protected species within the vicinity of the site which included Great Crested Newt, badger, nesting birds (including Red Kite) and various bat species. The Ecologist also noted that the Bach y Graig Stream Section SSSI is located approximately 350m to the south of the proposed site. The Ecologist also noted the historical record of Japanese Knotweed adjacent to the development site. The Ecologist therefore recommended that additional information be submitted in order to assess the ecological impact. This has been supported by NRW.

Following the submission of the additional information the Ecologist confirmed that the proposed development would not result in significant negative impacts to the biodiversity subject to adherence to the identified recommendations and mitigation measures.

Therefore in light of the above and subject to the attachment of appropriately worded conditions in order to secure the implementation of the recommendations and mitigation measures the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

### Land Drainage

Policy DC13 of the Powys Unitary Development Plan (2010) states that development proposals will be permitted where: 1) they make adequate provision for land drainage and surface water disposal; 2) they would not adversely affect flood management or maintenance schemes; and 3) they would not give rise to unacceptable on or off site flooding.

It is noted that several public representations were made making concerns towards the existing land drainage scheme near the proposed development and the additional surface water drainage that would be created by the proposed development.

Powys County Council's Land Drainage Officer has been consulted on the proposed development and has stated that the site is within 20 metres of a watercourse which is classed as an Ordinary watercourse. However, the authority holds no historical flooding information relating to the development site. It is noted that there is a risk of localized surface water flooding to the adjacent public highway. Any proposed alteration or interference with the watercourse will require prior approval from the Lead Local Flood Authority. The Officer has stated that 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. The 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 would not give rise to any unacceptable flooding impacts. Therefore the Land Drainage Officer has recommended that a Flood Consequence Assessment (FCA) should be submitted prior to determination in order to evaluate and assess any localised surface water flood risk.

Following the submission of a FCA the Land Drainage Officer has confirmed that having reviewed the document, the Lead Local Flood Authority finds that the conclusions of the report are acceptable and that any proposed culverting will require a separate consent under the terms of the Land Drainage Act 1991.

In light of the response from the Land Drainage Officer, it is considered that subject to conditions, flood risk can be managed to an acceptable level.

### 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 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.

## Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 4631/2B & 4631/1B).
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. 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.
8. No other development shall commence until the access hereby approved is constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to

points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9. No other development shall commence until the area of the access hereby approved to be used by vehicles is constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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.

10. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling 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.

11. No other development shall commence of the development hereby approved until provision has been made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

12. 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.

13. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

14. No dwelling shall be occupied before the internal link footpath is fully constructed to a standard to be agreed in writing by the Local Planning Authority. The footpath shall be retained for its designated use for as long as the development hereby permitted remains in existence.

15. 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 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.

16. 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.

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

18. 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.

19. The development hereby approved shall be carried out strictly in accordance with the measures identified in Section F - Avoidance, Mitigation and Compensation Strategy of the

Method Statement for Great Crest Newts produced by Just Mammals Consultancy LLP dated June 2017 and maintained thereafter.

20. Prior to the commencement of development detailed plans regarding the Amphibian Underpass to be installed in the new access road shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter.

21. 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.

22. 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.

23. 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.

## **Reasons**

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

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

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

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

5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

8. 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.

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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

18. 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 ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.

19. 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.

20. 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.

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23. 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**

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.

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](mailto:enquiries@bats.org.uk)

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.

### Land Drainage

The proposed culverting of the Ordinary watercourse to form the new access will require the prior written consent from Powys County Council under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant Ordinary Watercourse Consent application forms and guidance should be sought from the County



Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

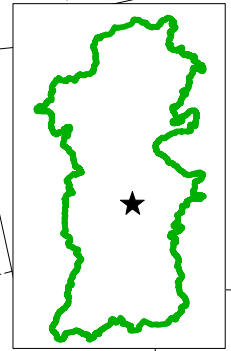
Riparian rights and responsibilities exist in respect to this watercourse.

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

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

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

# 7.5

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

<b>Application No:</b>	P/2017/0604	<b>Grid Ref:</b>	333548.41 315198.46
<b>Community Council:</b>	Bausley with Criggion	<b>Valid Date:</b>	<b>Officer:</b> 08/06/2017 Rachel Mulholland
<b>Applicant:</b>	Mr Philip Bewley, Border Shires, Crewgreen, Powys, SY5 9AS.		
<b>Location:</b>	Land adjacent to Seven Oaks Holiday Park, Crewgreen, Powys, SY5 9AS.		
<b>Proposal:</b>	Outline: Proposed residential development of up to 3 dwellings, formation of a vehicular access and associated works (some matters reserved).		
<b>Application Type:</b>	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 approximately 60 metres southeast of the designated settlement boundary of Crewgreen and is located approximately halfway between the villages of Crewgreen and Coedway. The site is to be accessed via an existing access lane from the County Highway (B4393) to the southwest. To the northeast of the site is the Seven Oaks Holiday Park with the nearest neighbouring residential dwellings located approximately 40 metres to the northwest and 57 metres to the southwest of the site boundary.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of three dwellings, formation of vehicular access and associated works. This outline application is made with all matters except access reserved.

### Consultee Response

Bausley Community Council

*Correspondence received 1<sup>st</sup> July 2017*

The Council have reviewed this application.

Whilst we appreciate that Powys overall has a housing supply requirement, we have a general concern in respect of the amount of new housing currently with applications in our community as, in total, they would be in excess of any needs that the community has, particularly when including the site already identified in the LDP. There have also been concerns about the capacity of the sewerage system in the area for new development (as expressed in our responses to the LDP) as there are already instances of 'backing up' in the area.

## PCC - Highways

*Correspondence received 5<sup>th</sup> October 2017*

The County Council as Highway Authority for the County Class II Highway, B4393  
Wish the following recommendations/Observations be applied

### Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a footway, highway signage and tactile crossings along the Class II B4393 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use 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 dwelling excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC18 All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway 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.

In the interests of highway safety.

## Wales and West Utilities

*Correspondence received 14<sup>th</sup> June 2017*

Wales & West Utilities acknowledge receipt of your notice received on 13.06.2017, advising us of the proposals for:

Sevenoaks Holiday Home Park, Crew Green, Shrewsbury, SY5 9BU

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 13<sup>th</sup> 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.

## PCC - Environmental Health

*Correspondence received 22<sup>nd</sup> June 2017*

### Foul Drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

### Construction-phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.”

## PCC – Ecology

*Correspondence received 16<sup>th</sup> June 2017*

Ecological Topic		Observations
EIA Screening Opinion needed?	No	<p>The site area is understood to be 0.37 hectares and includes up to 3 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 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.</p>
Ecological Information included with application?	No	<p>No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposal appears to be located within a plot of amenity grassland, bordered by a wellmaintained hedgerow to the north, a copse of semi-mature and mature trees with a stream running through it to the east, the B4393 to the south and an access road to the west.</p> <p>Based on the Site Plan as Proposed, it would appear that no boundary vegetation removal is required for the proposal. The back gardens of the three plots would provide a buffer between the development and the copse, with the development located closer to the access road than the copse.</p>
Protected Species & Habitats	European Species	<p>There are historical records of Otter (within 502m) and bat species including myotis, Noctule, pipistrelles and Brown Long-eared (within 422m) within 2km of the site, although none from the vicinity of the site itself.</p> <p>The stream to the east of the development could provide suitable habitat for otters, but is located around 30m outside of the development and is buffered from it by the copse, which would be unaffected by the proposals.</p> <p>No bat roosting features would appear likely to be lost to the proposals. However, bats may use the copse to the east for roosting and foraging, and the hedgerow to the north for foraging and commuting.</p> <p>Recommendations are therefore made to protect trees and hedgerows in accordance with BS5837:2012 during the works, and to implement a sensitive lighting scheme</p>



		to avoid introducing lightspill into the adjacent hedgerow and copse.
	UK Species	<p>There are historical records of nesting birds including House Sparrow, Starling and Dunnock within 561m of the site, although none from the vicinity of the site itself. The area affected does not appear suitable to support populations of other protected species.</p> <p>With the exception of one small tree to the south of the site no bird nesting habitat would appear to be directly lost to the proposals.</p> <p>Recommendations to protect the surrounding hedgerows and trees in accordance with BS5837:2012 are provided below. Any vegetation clearance/pruning to facilitate the works should be timed to avoid the bird nesting season (generally March to August inclusive). If such work 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>
	Section 7 Species & Habitats	<p>There are historical records of Polecat within 1181m of the site, although none from the vicinity of the site itself. Hedgerows are present along the northern boundary of the plot and are a Section 7 Priority Habitat in Wales.</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>While it does not appear that Section 7 species or habitats would be directly affected by the proposals via habitat loss, recommendations are made regarding protection of hedgerows and sensitive lighting.</p> <p>As a biodiversity enhancement measure I recommend that native, locally-occurring plant species are incorporated within the new landscaping proposals and bat and bird boxes are included within the new development.</p>
	LBAP Species & Habitats	Please see the observations above and recommendations below.
Protected Sites	International Sites	None within the search area.
	National Sites	None within the search area.
	Local Sites (within 500m)	None within the search area.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.
Recommendations		I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife that may use the hedgerow and copse along the

	<p>northern and eastern field boundaries respectively.</p> <p>A tree/hedgerow protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>Any vegetation clearance/pruning to facilitate the works should be timed to avoid the bird nesting season (generally March to August inclusive). If such work 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>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development. Enhancement of the site by installation of bat and bird boxes as part of the proposals would also be welcomed.</p>
Further information required prior to determination of application	None.
Recommended Conditions	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p>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.</p> <p>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.</p> <p>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>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.</p> <p>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>Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural</p>

	<p>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>Prior to commencement of development, a Biodiversity Enhancement Plan 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>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.</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"> <li>• intentionally kill, injure or take any wild bird</li> <li>• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built</li> <li>• intentionally take or destroy the egg of any wild bird</li> <li>• 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.</li> </ul> <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>
Relevant UDP Policies	<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>
Comments on Additional Information	N/A

## **Representations**

Following display of a site notice on 22/06/2017 and publicity in the local press on 23/06/2017 2 letters of objection have been received which raise the following concerns:

- Capacity of the sewerage treatment plant
- Location outside of the settlement boundary
- Number of proposed and approved applications in the area
- Highway safety
- No local needs housing proposed as part of the application
- Ecology and impact on protected species

## **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 (2017)  
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

SP5 – Housing Developments  
SP6 – Development and Transport  
GP1 – Development Control  
GP2 – Planning Obligations  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
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  
DC3 – External Lighting  
DC8 – Public Water Supply

DC12 – Mains Sewage Treatment  
DC13 – Surface Water Drainage  
TR2 – Tourist attractions

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

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 located approximately 60 metres from the settlement boundary of Crewgreen. This is identified in the UDP as a large village and is served by a range of community services and facilities including a primary school, a community centre, a children’s play area, a football pitch and a bus stop with regular bus services to Shewsbury. The application site is located approximately 10 miles from Welshpool and 8 miles from Shrewsbury.

Concerns have been raised by local objectors over the number of recently approved and pending applications in the Crewgreen and Coedway area with questions raised over the cumulative impact of these developments. Conditional consent has been granted on 2 outline applications for 8 dwellings and 9 dwellings respectively in Crewgreen including 2 affordable dwellings, and conditional consent has been granted on 1 outline application in Coedway for 2 dwellings. Officers acknowledge that some further departure applications are pending for Crewgreen and Coedway; however, these have not yet reached a stage where a recommendation can be made.

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 60 metres from a defined settlement. It is also considered that the number of dwellings recently consented together with the number of dwelling here sought consent for would not lead to the overall capacity of the settlement being significantly exceeded. It is however considered to be nearing that unsustainable level.

Therefore, the proposed site is considered to be within a sustainable location for the residential development of 3 dwellings.

### 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 three dwellings proposed are to be detached bungalows.

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 three 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 north of the proposed site would be located approximately 15 metres distant from the Seven Oaks Holiday Park reception building to the north with the other two dwellings located 15 metres from the site boundary. Due to the suggested distances and positioning of the dwellings 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 retention of the existing trees and hedgerow around the edge of the site and proposes additional 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 open space, taking into account the location opposite and adjacent to existing dwellings and structures within the area, that landscaping measures would reduce the visual impact and that the proposed scale of three 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.

Concerns have been raised by a local objector regarding highway safety and the suitability of the site 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 footways, crossing points, 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, a detailed landscaping scheme and a biodiversity enhancement plan.

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 or biodiversity enhancement plan on this application.

Concerns have been raised in a letter of objection received on this application over the possible ecological impact on the development and the threat to protected species including bats and otters. The Ecologist has considered these impacts and concludes that no bat roosting features are likely to be lost by the proposals and that the stream to the east of the application site which could provide a suitable otter habitat is buffered from the site by the nearby copse which would be unaffected by the proposals.

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).

## Environmental Health

With regard to foul drainage it is proposed for the development site to connect to the public foul sewerage system. Given the location of the site it is considered that this is feasible. The Council's Environmental Health Officer has been consulted on this application and has no objections to this. Concerns have been raised by a local objector over the capacity of the local sewerage system; however, Severn Trent Water has also been consulted and considers that the proposal will have minimal impact on the public sewerage system and has raised no



objections to the proposal. It is, therefore, considered that the proposed development is in compliance with the UDP Policy DC11.

Due to the location of the proposed development site near to other residential properties the Environmental Health Officer has also suggested a condition to control construction-phase noise control by limiting the days and hours of demolition and construction works. Subject to this condition the Officer has no objections to the development and it is, therefore, considered that the proposal fundamentally complies with the relevant planning policy.

### 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 Llandrinio 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 Llandrinio Ward reported that 10.8% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 13.1% of the population of Llandrinio spoke Welsh. Whilst there are limited facilities in the area the development of three dwellings in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

### Public Representations

Two letters of objection were received which raised a number of concerns over the development including the matters of highways, sewerage and ecology which have been addressed in the relevant sections above.

Concerns have been raised regarding the justification for the application on the grounds of housing need and the number of pending and approved applications in the area. It is stated that Crewgreen and Coedway already has a sufficient housing provision. However, the housing land supply is for Powys as a whole and it also states within the Powys UDP that Crewgreen has the capacity to accommodate some additional development. It is also considered, after assessment of the proposals, that the application site is capable of accommodating the additional three dwellings.

### **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**

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 XXXXXX (drawing no's: RPP/TW-JOB19-03 Rev B and RPP/TW-JOB19-03.1 Rev B)
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.
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. Prior to the commencement of development, detailed engineering drawings for a footway, highway signage and tactile crossings along the Class II B4393 shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed prior to the occupation of any dwelling and shall be retained for as long as the development hereby permitted remains in existence.
8. 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 dwelling 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.
9. 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.
10. All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.
11. No storm water drainage from the site shall be allowed to discharge onto the county highway.
12. No demolition or construction works shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

### **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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

### **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.

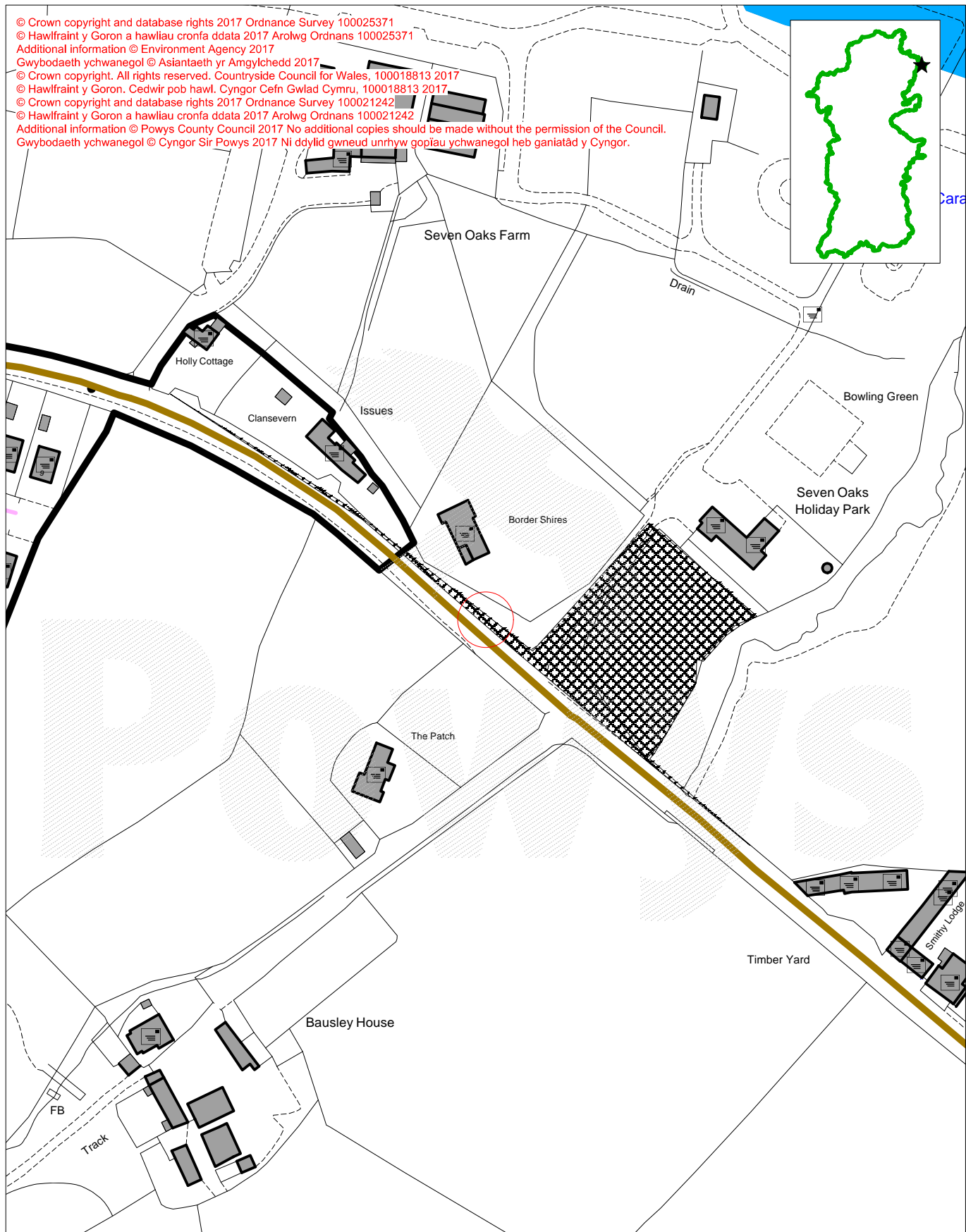
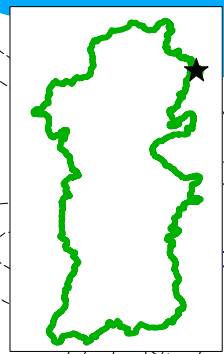
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has 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](mailto:enquiries@bats.org.uk).

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Case Officer: Rachel Mulholland- Planning Officer  
Tel: 01597 827517 E-mail: [rachel.mulholland@powys.gov.uk](mailto:rachel.mulholland@powys.gov.uk)

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



# 7.6

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

<b>Application No:</b>	P/2017/0420	<b>Grid Ref:</b>	322050.04 311028.19
<b>Community Council:</b>	Guilsfield	<b>Valid Date:</b>	<b>Officer:</b> 18/04/2017 Tamsin Law
<b>Applicant:</b>	Mr D Neville, Oakwood, Guilsfield, Welshpool, Powys, SY21 9PP		
<b>Location:</b>	Land adjacent to Oldcastle Avenue, Guilsfield, Welshpool, Powys, SY21 9PA		
<b>Proposal:</b>	Outline: Erection of up to 8 dwellings, formation of vehicular access, access road, and all associated works (all matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The application requires a Committee determination as it is recommended for approval and is a departure from the development plan.

### Site Location and Description

The application site is located within the Community Council area of Guilsfield. The site is approximately 0.64Ha in size and is located to the south of Guilsfield, directly adjoining the development boundary of Guilsfield as indicated on the Powys UDP Inset Map M138.

The site itself is currently defined as agricultural land, consisting of grassland. The land is bound to the north by Oldcastle Avenue, a residential estate predominantly single storey in nature, to the east and south by existing agricultural land and to the west by the B4392.

Consent is sought in outline with all matters reserved except for access, for the development of 8 dwellings.

### Consultee Response

#### Guilsfield CC

Guilsfield Community Council at their meeting on Thursday 18<sup>th</sup> may 2017 agreed to object to the above proposed development as it is outside the original LDP.

They want it noted that if this development did get approval that they would want the following points included.

1. The roadway that runs the full length of the site be two way and also has a pavement.
2. 1<sup>st</sup> phase of the development to be bungalows

3. The 30mph speed limit to be pushed back to include this accommodation

*Response Received 24<sup>th</sup> August 2017*

Guilsfield Community Council at their meeting on Wednesday 23 August 2017 agreed to object to the above proposed development due to following points

1. It is outside the original LDP.
2. There is no written statement of how Powysland drainage systems under the road from the brook would be maintained. There should be a corridor between the ditch and gardens of at least 8 metres for maintenance and other resources that require access to the manhole and the field triangle.
3. The entrance access to the estate is far too close to the B4392.
4. The first line of houses should be bungalows to be in keeping with area.
5. The creation of an undesirable precedent making it difficult to resist similar proposals elsewhere
6. Householders have retired to Oldcastle Avenue because of its close proximity to agricultural land and the fact that this land was refused planning consent in 2015 due to it being outside the LDP.

The Council also noted objections from many residents in Oldcastle Avenue and the fact that the County Council had called in the application on the basis of local controversy.

#### Powys Highways

The County Council as Highway Authority for the County Unclassified Highway U0420

Wush the following recommenations/observations be applied

#### Recommendations/Observations

Prior to any other works commencing on the development site. Detailed engineering drawings for a footway, road, widening, junction improvement, road re-alignment or the junction of the U2206 and Class II B4392 and associated works, shall be submitted to and approved in wrting by the Local Planning Authority.

Prior to works commencing on the devleopment site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.

HC1 Any entrance gates shall be constructed so as to be incapable of oipening towards the highway and shall be retained in this position and form of construction for as long as the 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.

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 33 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the 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 for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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 dwelling 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 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 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.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

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 issuing of the Building Regulations Completion Certificate for the last house or within two years from the

commencement of the development, whichever is sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system no less than 6 metres from 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.

HC31 The area of each private drive and any turning area is to be matted 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.

#### Powys Building Control

Building Regulations application required.

#### Wales and West Utilities

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

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.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

#### 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](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

*Response Received 22<sup>nd</sup> August 2017*

Having viewed the submitted plans I can advise we wish for the previous drainage condition to remain (requested 08/08/2017) – please do reconsult us when drainage proposals have been submitted.

Cllr David Jones

As the local member I would like to call this application in on the grounds that it is creating a great deal of local controversy.

Powys Environmental Health

I note in the application the intention is connect to the mains foul drainage, I have no objection to the application

Powys Rights of Way

Countryside Services recommends that the application be refused as it will directly affect Public Footpath G33 and no mention is made in the planning information provided as to its existence.

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 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>

*Response Received 11<sup>th</sup> August 2017*

I will withdraw my objection to the planning app having seen the amended plans.

The applicants are reminded that they 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.

Let me know if you need any further guidance.

#### Natural Resources Wales

Thank you for consulting Natural Resources Wales (letter dated 03/05/2017) regarding the above.

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 – GCN: No ground preparation works shall take place until a Construction Ecological Management Plan (CEMP) for Great Crested Newt has been submitted to and approved in writing by the local Planning authority.

Condition 2 - GCN: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA in consultation with NRW.

Condition 3 – IDD: Retention of a clear 8m corridor along the watercourses at the proposal (Nant Rhyd y Moch and two smaller tributaries) to allow vehicle access for maintenance.

### Protected Species

We note that the Extended Phase One Habitat survey report submitted in support of the above application by Arbor Vitae Environment refers to the proximity of Granllyn SAC to the proposal.

This site support a nationally important population of great crested newt (GCN) (*Triturus cristatus*).

The proposal is just over 165m of Granllyn SSSI whose features include the great crested newts. In our view the potential range of the local population of newts at Granllyn includes the application site.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the report concludes that the proposal is not likely to harm or disturb GCN or their breeding sites and resting places at this site provided Reasonable Avoidance Measures are adopted to minimise incidental killing during and post construction.

Condition 1 – GCN: No ground preparation works shall take place until CEMP for Great Crested Newt has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:

- (a) Purpose and objectives for the proposed works;
- (b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be

used);

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

(d) Persons responsible for implementing the works;

(e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction or development. This to include details of surface water management schemes that do not include gullypots.

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

(g) Disposal of any wastes arising from works.

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

We welcome the recommendations for ecological enhancements made within the report and fully support the ecologist's advice that a GCN habitat management plan is required to identify opportunities for improving and managing habitat for this species in the long term.

Whilst habitat enhancements will increase the amount of suitable habitat for this species in the long term, consideration must be given to other aspects of the development that also have the potential to impact on GCN, such as water drainage schemes and kerb layout plans.

Amphibians are likely to get trapped in gully pots during migration and this can have an impact on the population of the GCN at Granllyn SAC. Likewise, kerbs can impede road crossing by amphibians resulting in road deaths. Both impacts can be avoided / minimised by adopting amphibian friendly schemes.

Condition 2 - GCN: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA in consultation with NRW.

If works are undertaken without an appropriate derogation licence issued license, we advise that works must immediately stop in the event of the great crested newt being found. Operations can recommence on receipt of the appropriate licence issued by NRW.

#### Flood Risk

The red line boundary for this application is outside/abuts the DAM C2 zone. Following a site visit, it is evident that the layout as proposed will ensure that highly vulnerable built development will be on elevated ground and therefore not considered at direct fluvial flood risk.

However, we would like to point out that section 8 of the Planning & Design Statement is flawed, as it refers to England not Wales. The site is not subject to Environment Agency scrutiny nor is PPS25 applicable. It is advised that any subsequent submissions are revised to reflect NRW and Welsh Government datasets and TAN15.

The proposed site access leads to lower land towards the south east. The Planning Authority is advised to liaise with the Emergency Planning team with regards to safe access/egress issues to and from this site.



The line of the culverted section of watercourse is unknown between the 'sinks' on the other side of B4392 and where it issues near 30/32 Oldcastle Avenue.

Further survey work is advised to clearly define the alignment, structural integrity and hydraulic capacity of the culverted section. This is advised to ensure that the proposed built development will not be affected and appropriate mitigation can be taken if required. Irrespective of the culvert findings, it is advised that finished floor levels of the proposed dwellings are set a nominal distance above adjacent ground level.

#### Powysland Internal Drainage District

The site lies within the Powysland IDD drainage area, for which NRW is the responsible board. As the Lead Local Flood Authority we have the following comments:

A plan showing the ditches in the vicinity of the planning application is attached to this letter. It shows the ditches that are routinely maintained as part of the IDD maintenance programme. Access for an excavator to these ditches must be maintained. We will need an 8m corridor along these watercourses, which are Nant Rhyd y Moch and two smaller tributaries.

Condition 3 – IDD: Retention of a clear 8m corridor along the watercourses at the proposal (Nant Rhyd y Moch and two smaller tributaries) to allow vehicle access for maintenance.

Surface water runoff discharging into these watercourses from the development must be attenuated to greenfield site rates.

The development will need Land Drainage Consent as it is within an IDD.

#### 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.

All works at the site must be carried out in accordance with PPG5: 'Works in, near or over watercourses' which is available at 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.

#### 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

## Powys Land Drainage

I've looked at the submission on the portal.

I'm not aware of any flood related history for the location but having accessed indicative soil maps for the location, I note the soil type is described as being 'Slowly permeable seasonally wet acid loamy and clayey soils' giving rise to 'impeded drainage'. 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. Hence the reserved comments in UDP perhaps.

My comments in respect to this application are:-

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 (or other best practise sustainable drainage means) should be investigated in the first instance for the disposal of surface water run-off. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance for climate change.

If soakaways are not feasible, drainage to limit the discharge rate from the site equivalent to a Greenfield run-off rate should be applied. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

No surface water run-off shall flow onto the public highway.

Recommendation: No development shall commence until a scheme for the foul and 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 the dwelling are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

Informative: The applicant should consider employing measures such as the following:

### Water Butts

Permeable paving on any new driveway/paved area  
Greywater recycling system

### Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru Welsh water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer

## **Representations**

The application was advertised through the erection of a site notice and press advertisement. A total of fifty one objections have been received and their concerns are summarised below;

- Impact of the development on the public footpath
- Impact of the development on biodiversity, wildlife species and great crested newts
- The development is in the greenbelt
- Significant concerns regarding highway safety
- Two storey dwellings would look inappropriate next to bungalows
- Detrimental impact to the character and appearance of the area

## **Planning History**

No relevant planning history

## **Principal Planning Constraints**

Public Right of Way  
Flood zone

## **Principal Planning Policies**

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)  
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)  
Technical Advice Note 2 - Planning and Affordable Housing (2006)  
Technical Advice Note 5 - Nature Conservation and Planning (2009)  
Technical Advice Note 12 - Design (2016)  
Technical Advice Note 15 - Development in Flood Risk Areas (2004)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 20 – Planning and Welsh Language (2017)  
Technical Advice Note 23 - Economic Development (2014)

Local Planning Policies

SP2 - Strategic Settlement Hierarchy  
SP3 - Natural, Historic and Built Environment  
SP4 - Economic and Employment Developments  
SP5 - Housing Development  
SP6 - Development and Transport  
SP9 – Local Community Services and Facilities  
SP14 - Development in Flood Risk Areas

GP1 - Development Control  
GP2 – Planning Obligations  
GP3 - Design and Energy Conservation  
GP4 - Highway and Parking Requirements  
ENV1 - Agricultural Land  
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  
HP7 - Affordable Housing within Settlements  
HP8 - Affordable Housing Adjoining Settlements with Development Boundaries  
CS3 – Additional Demand for Community Facilities  
T2 - Traffic Management  
DC8 – Public Water Supply  
DC9 – Protection of Water Resources  
DC10 - Mains Sewerage Treatment  
DC13 - Surface Water Drainage  
DC14 - Flood Prevention Measures  
TR2 – Tourist Attractions and Development Areas

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

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

Consent is sought in outline with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form separate applications for consideration at a later date.

The application site lies wholly outside the settlement boundary of Guilsfield, as detailed on inset map M138 and would result in 8 dwellings being constructed outside the settlement boundary.

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.

### Sustainability

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

Guilfield is considered a large village in the UDP. Whilst large villages do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area. It is noted that the settlement of Guilfield is served by a church, primary school, community centre, car sales garage, shop/Post office, public houses, children's play area, bowling green, tennis courts, football pitch, and telephone box.

The application site lies adjacent to the settlement development boundary of Guilfield.

From within Guilfield there are existing transport links to the Market town of Welshpool, which offers a full range of community services and facilities including a hospital, Secondary and Primary schools, Leisure Centre and Library.

Therefore, on balance it is considered that the site will be situated within a sustainable location.

### Affordable housing provision

With regards to affordable housing provision, the 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 our 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. 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% provision figure suggested is considered to be reasonable in this instance.

Within the information submitted by the applicant it is noted that there is the intention to supply two dwelling out of the eight proposed as an affordable dwelling. This will be secured via an appropriately worded conditions attached to any grant of consent.

In light of this, the proposal is considered compliant with the principle of policy HP7.

### 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 design 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 indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 8 dwellings could be accommodated on the site.

Although Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 8 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

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 site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage. Whilst third parties are concerned over the height of the proposed dwellings, it is considered that through sensitive design that this can be addressed at reserved matters stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

### 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.

Following consultation with the Highways Authority no objections have been received subject to conditions. However as the application has access reserved for future consideration it would not be reasonable at this stage to attach the highways conditions.

In light of the officers comments it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

### Biodiversity

NRW have provided comments with regard to the proposed development.

An Extended Phase One Habitat survey report has been submitted in support of the application. NRW have commented stating that the application site is located approximately 165 metres from the Granllyn SSSI whose features include the great crested newts. The submitted report states that the proposal is not likely to harm or disturb Great Crested Newts or their breeding sites and resting places at this site provided Reasonable Avoidance Measures are adopted to minimise any impacts.

As such, following NRW's recommendations conditions will be attached to any consent securing a Construction Environmental Management Plan and an amphibian friendly water drainage scheme. NRW have offered no objections to the proposed development with regards to its impact on biodiversity.

It is therefore considered, subject to conditions that the application accords with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

### Flood zone

The applications site lies wholly outside the C2 flood zone, however does about its boundary. NRW advised that following a site visit it was evident that the dwellings would be built on elevated ground and therefore are not considered to be affected by flooding.

As such the application is considered to fundamentally comply with policy SP4 and Technical Advice Note 15.

## **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.

**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. No ground preparation works shall take place until CEMP for Great Crested Newt has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:
  - (a) Purpose and objectives for the proposed works;
  - (b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be used);
  - (c) Extent and location of proposed works shown on appropriate scale maps and plans;
  - (d) Persons responsible for implementing the works;
  - (e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction or development. This to include details of surface water management schemes that do not include gullypots.
  - (f) Initial aftercare and long term maintenance (where relevant)
  - (g) Disposal of any wastes arising from works.

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

5. No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. A clear 8m corridor along the watercourses (Nant Rhyd y Moch and two smaller tributaries) to allow vehicle access for maintenance shall be maintained.
7. Surface water runoff discharging into these watercourses from the development must be attenuated to greenfield site rates.
8. No development shall commence until a scheme for the foul and 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 the dwelling are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

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 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.

10. The affordable dwelling/s shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

## **Reasons**

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To 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.
5. To prevent pollution of the water environment in accordance with policies GP1 and DC9 and to protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
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 ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

8. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

9. 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).

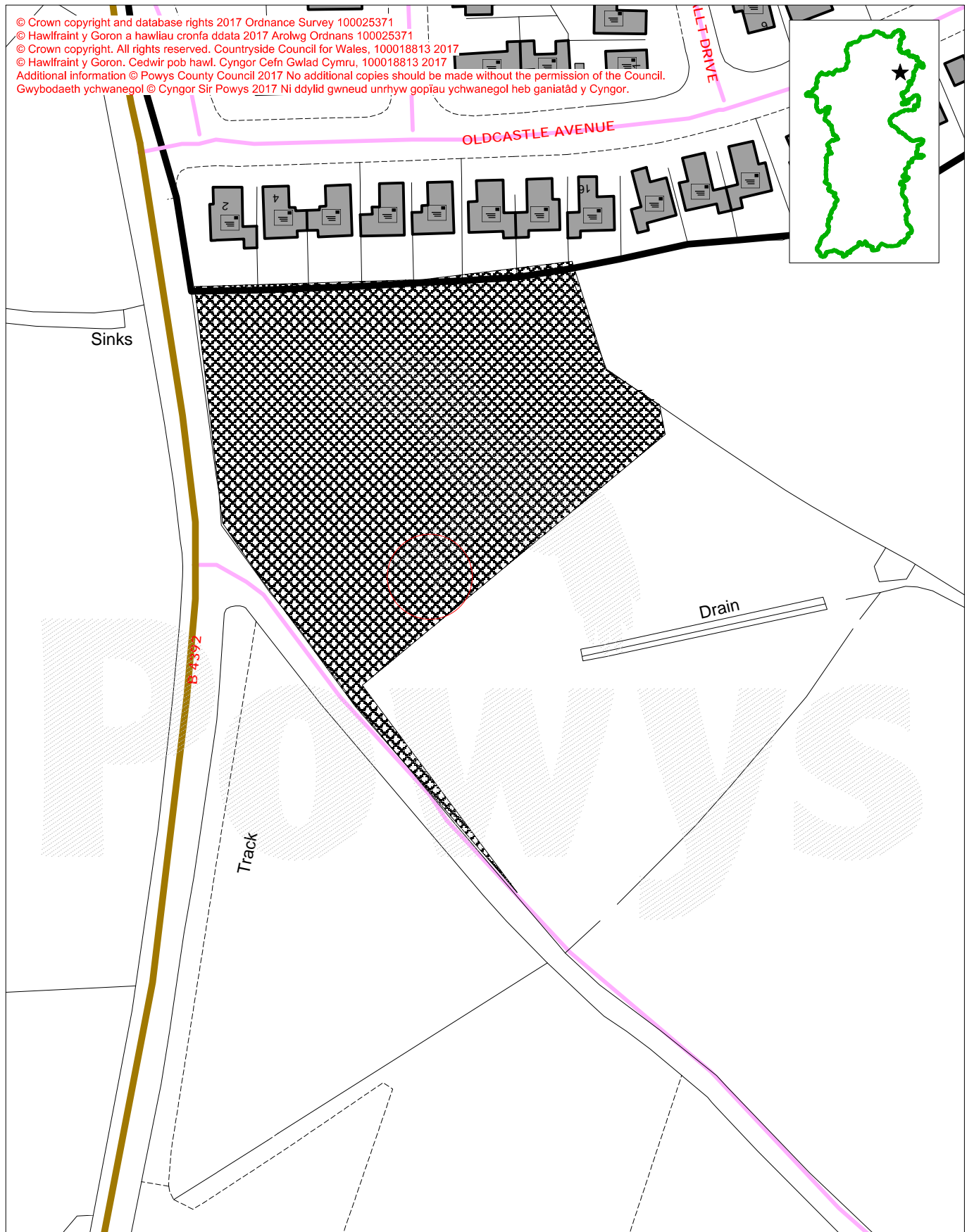
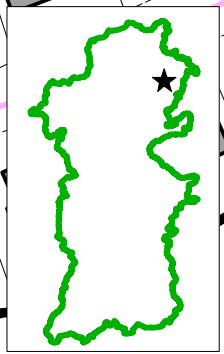
10. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

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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

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

# 7.7

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

<b>Application No:</b>	P/2017/0812	<b>Grid Ref:</b>	278740.62 210906.61
<b>Community Council:</b>	Ystradgynlais	<b>Valid Date:</b>	<b>Officer:</b> 13/07/2017 Lorraine Jenkin
<b>Applicant:</b>	CME Developments Limited, Brynygroes Farm, Ystradgynlais		
<b>Location:</b>	Development at Brynygroes Farm, Ystradgynlais, SA9 1LF		
<b>Proposal:</b>	Section 73 application to remove Condition 19 of approve outline consent P/2014/1133 relating to affordable local needs housing		
<b>Application Type:</b>	Application for Removal or Variation of a Condition		

### The reason for Committee determination

The local Member has requested that the application be called in to be determined in front of Committee.

### Site Location and Description

The application site is located approximately 800 metres north-west of Ystradgynlais town centre with access off the bypass (A4067) running west of the town. It is a site of 4.5 hectares and is surrounded by farmland to its north, west and south-west. The village of Cwmgiedd is located to the north-east.

The site is an allocated housing site (B31 HA1 within the UDP).

The site has a planning history which is detailed below, but the main application that we are concerned with is an outline application submitted under P/2014/1133. This application was for 138 dwellings and included a Section 106 Agreement for the provision of 23% affordable housing, and £300,000 education contributions. This was issued on 29<sup>th</sup> April, 2016.

Therefore this site has outline consent for up to 138 dwellings, 23% of which must be affordable.

The current consent (P/2014/1133) has conditions requiring it to have a scheme of affordable housing:

*Condition 19: No development shall commence until an affordable local needs housing phasing statement detailing the precise phasing (completion details) of the affordable local needs units in relation to the rest of the development has been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in full accordance with the details so approved.*

This application seeks to remove this condition and therefore the requirement to appropriately phase the element of affordable needs housing within the site.

## **Consultee Response**

### Ystradgynlais Town Council

With regard to and relevant the above application the Further Focussed changes to the LDP were discussed at the Ystradgynlais Town Council meeting held on Thursday 3<sup>rd</sup> November 2016. It is suggested in Section 5.5 of the applicants report on this Section 73 application that the matter is uncontested but the Town Council wish to advise that this is not the case.

With regard to affordable housing Ystradgynlais Town Council members raised their concern that the proposed LDP allocation had been reduced to 0% in the South West area. This suggested that there was no demand for such housing which was considered surprising and an unlikely representation of the local need.

It appeared to members of the Ystradgynlais Town Council that the affordable Housing criteria may be sacrificed on the grounds of making the many development sites in the Ystradgynlais area viable - particularly as nearly all the proposed sites had significant and long standing infrastructure constraints.

This zero contribution approach appeared to be directly at odds with many of the stated policy objectives of the Powys LDP with regard to the provision of affordable housing the provision of which is stated as being key to the delivery of the LDP strategy.

It also seemed to be incompatible with the Ystradgynlais and its surrounding areas qualifying through deprivation and other factors for Community First status.

It was resolved to object to this further focussed change to the LDP and put forward that the affordable housing contributions should remain at the 10% level previously proposed for the South West Powys Region.

As a consequence of the above and the fact that as far as the Town Council is aware the LDP Inspector has yet to determine the issue it is suggested that either the Section 73 application is deferred until the LDP determination is known or the affordable housing requirement remains at its original level or 10%.

### PCC - Highways (S)

Does not wish to comment on the application.

### Wales and West Utilities

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 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 and West Utilities, its agents or servants for any error or omission.

Wales and West Utilities 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 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.

If you have any queries please contact Danielle Thomas on 02920 278912 who will be happy to assist you.

#### Cllr Huw Williams

I have been approached by several local residents regarding this application and I feel that the application should be 'called in' for the sake of clarification and consideration. The Planning Committee need to debate and consider the consequences of approval or rejection of this previously agreed condition.

#### PCC - Environmental Health

I have no comment in respect of the above application.

#### PCC - Rights of Way

Please correct me if I am mistaken, but as this appears to be a variation of the original planning permission, Countryside Services' original response to this development still applies

#### Powys Ramblers

Thank you for the opportunity to comment on this application. Having read the information provided with this application, we have no comments to make.

#### CADW

Thank you for your letter of 20 June, 2017 inviting our comments on the above planning application.

#### Advice

Having carefully considered the information provided with this 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 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.

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 Historical 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 of the determination of a planning application.

## CPAT

Thank you for the consultation on this application. I write to confirm that there are no archaeological implications for the removal of this condition.

## **Representations**

One letter of comment has been received from members of the public. The main concerns are about whether Ystradgynlais truly does not have a need for affordable housing and also whether the application will affect the rights of way within the site.

## **Planning History**

P/2012/0346 – outline application for demolition of existing buildings to allow for residential development (up to 155 dwellings) – Refused on landscape impact grounds.

P/2014/1133 - outline consent for 138 dwellings. Approved 29<sup>th</sup> April, 2016.

P/2008/1802 – Access to serve UDP housing allocation B31HA. Approved June, 2009.

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00/77

AG/05/362

## **Principal Planning Constraints**

Public Right of Way

ZoneB

UNKNOWN 090/75/1,2

ALV

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales, Edition 9 (November, 2016)

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

Technical Advice Note 12-Design (July 2014)

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

Technical Advice Note 20 – Planning and the Welsh Language (2017)

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

### Local planning policies

GP1 - Development Control

GP3 Design and Energy Conservation

GP4 — Highway and Parking Requirements

GP5 – Welsh Language and Culture

ENV3 - Safeguarding Biodiversity and Natural Habitats

HP4 - Settlement Development Boundaries and Capacities  
HP5 — Residential Development.  
HP14 - Sustainable Housing  
RL4 - Outdoor Activity and Pony Trekking Centres  
RL6 - Rights of Way and Access to the Countryside  
DC1 - Access by Disabled Persons  
DC10 — Mains Sewage Treatment  
DC13— Surface Water Drainage  
DC15 - Development on Unstable or Contaminated Land

PCC Residential Design Guide, October 2004

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

## **Officer Appraisal**

### 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.

### Planning History:

Following the submission of a viability appraisal by the applicant in support of P/2014/1133, Development Management in early 2014 secured advice from the District Valuer regarding the viability of the development proposed under P/2014/1133. The District Valuer stated in 2014 that 23% affordable housing was viable. Planning permission P/2014/1133 therefore requires 23% affordable housing to be provided and includes the following affordable housing phasing condition:

*Condition 19: No development shall commence until an affordable local needs housing phasing statement detailing the precise phasing (completion details) of the affordable local needs units in relation to the rest of the development has been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in full accordance with the details so approved.*

### Scope of application:

This application seeks to remove this condition and therefore the local planning authority's control over the phasing of the affordable housing throughout the construction phase. Please note that it is not removing the requirement to provide 23% affordable housing.

The applicant is arguing that the most up-to-date viability assessments, a 2016 study commissioned by the Local Planning Authority to evidence the LDP has found that building affordable housing within the Ystradgynlais area is economically unviable and

the requirement to do so would in effect sterilises housing development. The applicant is requesting that condition 16 is removed.

To support the Councils 2016 District Valuer's report produced to evidence the LDP, the applicant has highlighted the following points/changes in circumstances:

1. The original District Valuer report (2014) was only valid for a 3 month period and is therefore out-of-date.
2. In 2014, the average Buildings Cost Information Service was £819 per square metre, whereas in 2016, this has risen to £969 per sq metre (£1,128 for new build flats).
3. Requirements for sprinkler systems in new dwellings has resulted in an increase of an additional £3,075 per dwelling.

The agent has argued that the costs can therefore be shown to be considerably higher per dwelling built, and these are not likely to be offset by any increase in land values or house prices in the Ystradgynlais area.

#### Tests for conditions:

The Courts have laid down general criteria for the validity of planning conditions. In addition to the Courts, the Welsh Government considers that conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants. Conditions should only be imposed where they satisfy all of the tests described in circular 016/2014 (The use of planning conditions for Development Management). In summary, conditions should be:

- i. Necessary;
- ii. Relevant to planning;
- iii. Relevant to the development to be permitted;
- iv. Enforceable
- v. Precise;
- vi. Reasonable in all other respects.

#### Weight to be given to LDP evidence:

Questions have been raised regarding the weight that can be given to evidence produced to support the production of an LDP. Paragraph 2.14.1 of Planning Policy Wales states as follows:

“The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal,

local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.”

In light of above paragraph Development Management advises that although caution should be taken when considering the use of LPD policies, the consideration of the underlying evidence, which in this case is the 2016 District Valuers assessment of viability in Powys, is recommended by Development Management especially when it is the most up-to-date evidence available.

#### Condition 19:

In light of the 2016 viability assessment commissioned by the Council to evidence the LDP, it is considered that the imposition of condition 19 would fail to comply with the ‘reasonable in all other respects’ test outlined within circular 016/2014. This is on the basis that the Council’s own evidence suggests that the imposition of any affordable housing within the area would result in the development becoming unviable and as such a condition requiring its phasing is not considered reasonable.

#### 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. The recommended removal of the affordable housing condition places added importance to the Welsh language condition. Officers strongly recommend that this condition is retained to help mitigate the impact this development would have on the Welsh Language and culture.

#### 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**

In light of the evidence outlined within the viability assessment produced in 2016 to support the LDP, it is recommended that condition 19 is removed subject to the conditions attached and a S106 agreement to secure the planning obligations secure via P/2014/1133.

#### 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 29<sup>th</sup> April 2016.
3. The reserved matters required by condition 1 above shall include:
  - i. Up to 138 dwellings.
  - ii. The finished floor levels of the ground floors of all proposed buildings in relation to existing ground levels within the site and on the adjacent section of the County Highway. The finished levels shall accord with those approved.
  - iii. Details of any changes to the site levels.
  - iv. Details of the integration and provision of Public Rights of Way in and around the site, following consultation with Powys County Council Countryside Services.
  - v. Details of the access road from the A4067 that have been prepared by the developer in consultation with the Local Highway Authority.
4. The development hereby permitted shall be begun before the expiration of five years from the 29<sup>th</sup> April 2016, 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.
5. No storm water drainage from the site shall be allowed to discharge onto the county highway.
6. Prior to the occupation of any dwelling, provision shall be made within the curtilage of

the site for the parking of the appropriate number of cars per dwelling in accordance with CSS Wales Parking Standards excluding any garage space provided. The parking areas shall be retained thereafter.

7. No dwelling shall be occupied before the access carriageway and one footway has been constructed to an adoptable standard (including the provision of any salt bins, surface water drainage and street lighting) from that building to the junction with the county highway.

8. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon occupation of the last house or within two years from the commencement of the development, whichever is the sooner.

9. The centreline of any new or relocated hedge should not be positioned within one metre of any visibility splay.

10. Foul water and surface water discharges shall be drained separately from the site.

11. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

12. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

13. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

14. No development shall commence until a hydraulic modelling assessment has been submitted to and approved in writing by the Local Planning Authority. The hydraulic modelling assessment shall assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.

15. There shall be no use or occupation of any of the dwellings hereby approved until any necessary clean water supply network infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed.

16. No development shall take place until such time as a construction method statement has been submitted to, and approved in writing by the local planning authority.

Development shall be carried out in full accordance with the approved statement. The statement shall identify

i. the routing and management of construction traffic,

ii. areas on site, designated for the storage of heavy plant, equipment and materials, including vehicles and car parking facilities for construction site operatives and visitors;

iii. the erection and maintenance of security hoarding

iv. activities such as earth moving, onsite aggregate mixing, crushing, screening, piling etc., and onsite storage and transportation of raw material;

v. a scheme for the recycling and disposing of waste from construction workers;

vi. working practices to control fugitive emissions of dust arising from onsite activities e.g. wheel wash facilities and a dust management plan (to comply with the BRE Code of Practice on the control of dust from construction activities); and

vii. working practices for protecting the nearby residential dwellings, including measures to control noise and vibration arising from onsite activities, such as piling, as set out in British Standard 5228 Part 1: 1997 - Noise and Vibration Control on Construction and Open Sites.

17. Any activities (including demolition and deliveries) associated with this development



may only occur between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. No activities shall occur on Sunday or public holidays, except where agreed in writing with the Local Planning Authority.

18. No works (including site investigation works, deliveries and demolition) shall begin until a photographic survey of the existing buildings on the site has been carried and submitted to, and approved by, the Local Planning Authority.

20. No development shall take place until an Ecological Mitigation Strategy [EMS] has been submitted to and approved by the Local Planning Authority in writing. The EMS shall include:

i. A strategy for the mitigation of the effects of the development and for the

maintenance of the ecological value of the site;

ii. Method statements for carrying out the mitigation works;

iii. A phasing plan to show what preliminary measures are required to be carried out in advance of the implementation of this planning permission;

iv. A monitoring and management plan to secure the long term implementation of the ecological measures contained in the EMS.

21. Development shall not be commenced other than in full accordance with the approved EMS.

22. No development shall commence until a detailed Arboricultural Method Statement, including a Tree and Hedgerow Protection Plan, has been submitted to and approved in writing by the local planning authority. The Tree and Hedgerow Protection Plan shall reflect the details contained on the supporting Landscape Strategy. The Arboricultural Method Statement shall incorporate a provisional programme of works; details of supervision and monitoring by an Arboricultural Consultant, and provision of site visit records and certificates of completion; measures for the control of potentially harmful operations such as the storage, handling, mixing or burning of materials on site; details of the location of the site office, and the locations of service runs including soakaways, street lighting and movement of people and machinery. Development shall then take place only in accordance with the approved details.

23. No development, other than works required to discharge this condition, shall commence until intrusive site investigation works have been undertaken in accordance with the recommendations of the submitted Mining Report and the Coal Authority's requirements, and the findings of those investigative works have been submitted to and approved in writing by the local planning authority. In the event that the site investigations confirm the need for remedial works to ensure the safety and stability of the proposed development, no development shall commence until the full details of those remedial works have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out only in accordance with the approved details.

24. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments (iii) 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.

25. A detailed remediation scheme to bring the site to a condition suitable for the intended

use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, should be submitted to and approved in writing by 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.

26. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately. An investigation and risk assessment, remediate implementation shall be undertaken in accordance with the requirements detailed within the contamination conditions attached to this grant of consent.

28. Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

29. Prior to the commencement of development a further survey for Japanese Knotweed shall be undertaken and a scheme, to include a programme/method statement, to eradicate Japanese Knotweed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

30. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. This plan shall incorporate and expand on recommendations contained within paragraph 5.2.2 of the submitted Welsh Language Impact Assessment dated November 2010. The measures to support the Welsh Language and Culture shall be implemented as approved.

**Reasons:**

1. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
2. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
3. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
4. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
5. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
6. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
7. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.

8. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
9. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
10. To protect the integrity of the public sewerage system in accordance with Powys Unitary Development Plan (March 2010) policy DC10.
11. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Powys Unitary Development Plan (March 2010) policy DC10.
12. To prevent hydraulic overload of the public sewerage system and pollution of the environment in accordance with Powys Unitary Development Plan (March 2010) policy DC10.
13. To ensure that surface water and land drainage flows from the site are appropriately dealt with in accordance with Powys Unitary Development Plan (March 2010) policies SP14, DC9, DC10, DC13 and DC14.
14. To protect the integrity of the public water supply system in accordance with Powys Unitary Development Plan (March 2010) policy DC8.
15. To protect the integrity of the public water supply system in accordance with Powys Unitary Development Plan (March 2010) policy DC8.
16. In the interests of the amenity of the area in accordance with Powys Unitary Development Plan (March 2010) policy GP1.
17. In the interests of the amenity of the area in accordance with Powys Unitary Development Plan (March 2010) policy GP1.
18. In order to ensure an appropriate record of a building of interest.
20. In the interests of biodiversity in accordance with Powys Unitary Development Plan (March 2010) Policy ENV3.
21. In the interests of biodiversity in accordance with Powys Unitary Development Plan (March 2010) Policy ENV3.
22. In the interest of the character and appearance of the area in accordance with Powys Unitary Development Plan (March 2010) policy ENV2.
23. To ensure that necessary site investigation works and where necessary remedial works are undertaken prior to the commencement of development in accordance with Powys Unitary Development Plan (March 2010) policy DC15.
24. To ensure that necessary site investigation works and where necessary remedial works are undertaken prior to the commencement of development in accordance with Powys Unitary Development Plan (March 2010) policy DC15.
25. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 6, February 2014).
26. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 6, February 2014).
27. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 6, February 2014).

28. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 6, February 2014).
29. To control an invasive species identified on site in accordance with Powys Unitary Development plan (March 2010) policy ENV3.
30. In the interests of the Welsh language and culture in accordance with Powys Unitary Development Plan (March 2010) policy GP5.
- The date on which this permission is granted is ....

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Case Officer: Lorraine Jenkin- Planning Officer  
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

# 7.8

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

<b>Application No:</b>	P/2017/0688	<b>Grid Ref:</b>	323437.48 319840.08
<b>Community Council:</b>	Llansantffraid	<b>Valid Date:</b>	<b>Officer:</b> 19/06/2017 Sara Robinson
<b>Applicant:</b>	Mrs E Hughes, Waen Farm, Llansantffraid-Ym-Mechain, SY22 6SX		
<b>Location:</b>	Land adj Waen Meadows, Waen Trederwen, Llansantffraid-Ym-Mechain, Powys, SY22 6SX		
<b>Proposal:</b>	Outline: Residential development of up to 2 no. dwellings, formation of vehicular access and associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan and is therefore required to be determined by Members of the Planning Committee.

### Site Location and Description

The site subject to this application is located adjacent to the Rural Settlement known as Waen-Trederwen.

The site is located on a parcel of land bound to the north by the B4393 classified highway, to the west by agricultural land and to the east and south by neighbouring residential dwellings.

Consent is sought in outline with all matters reserved except for access for the erection of a residential development of up to 2 no. dwellings, formation of vehicular access and associated works.

### Consultee Response

#### Llansantffraid Community Council

No comments were received at the time of writing this report.

#### PCC - Highways (N)

The County Council as Highway Authority for the County Unclassified Highway, U2186

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC29 All surface water run-off is to be collected and discharged via a piped system within the site and shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway. This system shall be retained and maintained 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.

In the interests of highway safety.

#### PCC - Building Control

No comments were received at the time of writing this report.

#### Wales and West Utilities

No comments were received at the time of writing this report.

#### Severn Trent

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.

#### Ward Cllr

No comments were received at the time of writing this report.

#### PCC - Environmental Health

The proposal is to connect the foul drainage to the mains sewer system, therefore Environmental Protection has no objection to this application.



PCC - Ecologist

*Consultation Received 17/07/2017*

Thank you for consulting me with regards to planning application enquiry P/2017/0688 which concerns an outline application for a residential development of up to 2 no. dwellings, formation of vehicular access and associated works at Land adjacent Waen Meadows, Waen Trederwen, Llansantffraid-Ym-Mechain, Powys.

I have reviewed the proposed plans, streetview images and site photographs of the proposed site for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 8 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 present within 500m of the proposed development.

On reviewing streetview and aerial images of the area of the proposed development it appears to be an area of over grown semi-improved/improved grassland with a mature hedgerow boundary.

No ecology information has been submitted as part of the application.

Phase 1 habitat survey

An extended Phase 1 habitat survey will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Therefore it is considered that there is insufficient information with regard to potential impacts to protected or priority species and habitats to determine this application. Further information is required to be submitted prior to determination of the application.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

I note from aerial images that there are two large pools/ponds located either side of the proposed development sites, one being approximately 200m and the other approximately 350m from the proposed development site. A search for Great Crested Newt records within the wider area was undertaken and the nearest record for this species was found to be within 2km of the proposed development.

The proposed development may have potential to impact great crested newts - in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

Given the proposed development will involve alterations to the surrounding habitat in close proximity to the pond consideration should be given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts which are a European protected species.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

### Tree and Hedgerow Protection Plan

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'

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development including creation of new access or any associated works then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided.

In addition 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 for wildlife will be protected during the construction period of works. This information could be secured through a planning condition, however the submission of a Tree and Hedgerow Protection Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting 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 present in the local area.

#### Landscaping Planting Scheme

It is suggested in the planning statement and the proposed plans that the development will provide landscaping as part of the potential development - 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.

#### Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

#### Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

*Consultation Received 26/09/2017*

Thank you for consulting me with regards to additional information submitted for planning application P/2017/0688.

An extended Phase 1 habitat survey was requested to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species.

It was also noted from aerial images that there are two large ponds located within 200m either side of the proposed development sites. Great crested newts can be found up to 1.2km from breed ponds. Therefore it was recommended that consideration should be given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts which are a European protected species.

An Ecological Assessment Report has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value. I have reviewed the Report produced by Star Ecology dated 24th August 2017, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 7th August 2017 to carry out an extended phase 1 habitat survey and great crested newt assessment.

The site for the proposed development formed part semi-improved grassland agricultural field and contained small areas of tall ruderal vegetation. The site is considered to have potential to be used by badgers, hedgehogs and bats for foraging and commuting purposes, by birds for nesting purposes in the vegetation boundary and reptiles were considered likely to be present.

Mitigation regarding the above named species has been detailed in section 7 of the ecological assessment report. The mitigation measures provided include workers on site induction, methods for preparation of site construction work including details of vegetation works, building material storage, excavation works waste material storage.

I consider the identified mitigation and method statement measures to be acceptable and recommend the implementation of these measures secured through an appropriate worded condition.

The presence of habitat connectively between the proposed development site and the ponds identified within 200m was assessed for its suitability to be used by great crested newts for migration/dispersal purposes. The two pond were also assessed for their habitat suitability to support great crested newts for breeding purposes (Habitat Suitability Index – HSI)

Pond 1 – 140m southeast of the proposed development site

The connectivity between the proposed development site and Pond 1 was considered to be not a direct link as residential properties and a roadway caused a barrier for dispersal. The pond at the time of the survey was dry and covered with grass. The HSI score: 0.32 considered the pond to provide poor habitat suitability for breeding for great crested newts.

Using the 'rapid risk assessment tool' by Natural England – it showed the proposed development would be 'highly unlikely' to impact great crested newts.

Pond 2 – 200m west of the proposed development site

The connectivity between the proposed development site and Pond 1 was considered to be good habitat provided by hedgerows. The pond at the time of the survey was dry and predominantly bare soil. The HSI score: 0.43 considered the pond to provide 'poor' habitat suitability for breeding for great crested newts. Using the 'rapid risk assessment tool' by Natural England – it showed the proposed development would be 'highly unlikely' to impact great crested newts.

Therefore, the site was considered unfavourable for great crested newts and the 2 ponds identified within 200m of the proposed development do not provide habitat suitable for great crested newts to use as breeding purposes. The report concluded that considering the scale and location of the development, no further great crested newt survey is considered necessary.

Given the identified mitigation measures I consider that the proposed development will not result in any negative impacts or loss of biodiversity at the proposed development site.

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features such as woodlands and tree lined water course suitable for mobile wildlife to forage and commute. 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.

The submitted plans indicate that 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. It is therefore recommended that a Landscape planting 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 mitigation measures identified in section 7 of the Ecological Assessment produced by Star Ecology dated 24 August 2017 shall be adhered to, implemented and maintained thereafter in full 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 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.

### Natural Resources Wales

Thank you for consulting NRW regarding the above consultation. NRW agrees with the ecologists' comments made in the e-mail of 17/7/17 to yourself. NRW has no objection to the proposed development.

### PCC - Land Drainage

No comments were received at the time of writing this report.

### CADW

Thank you for your letter of 26 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.

## CPAT

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.

## **Representations**

Following the display of a site notice at the access to the junction of U2186 unclassified highway and access onto Waen Meadows to the south east of the application site, one public representations of objection has been received and is summarised as follows;

1. There is no mains sewage for these properties, neither will there be for the proposal of the new properties there is no mains sewage in the area, when the existing properties were built Powys County Council instructed a treatment plant which is located adjacent to Oaklands, Waen Meadows, Llansantffraid. There is also a soakaway pipe from the original existing property Plot 1, Waen meadows that runs behind the border of Hafod Las & Oaklands, Waen Meadows which leads into the field they propose to build on.
2. There is currently a Section 106 on all the properties that currently exist on the same plot of land, if your intention is to give full outline planning then we expect our properties Section 106's to be lifted.

3. We do not understand why they have requested permission for outline planning when the LPD has just rejected any plans on this land for a further 15 years?? We were advised that there would be no further developments on this land when we originally purchased.

## **Planning History**

SAM - nearest less than 1km

## **Principal Planning Constraints**

None as per GIS.

## **Principal Planning Policies**

### National planning policy

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) 12 - Design (2016)  
Technical Advice Note 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

### 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  
HP3 - Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Development  
HP6 - Dwellings in the Open Countryside  
HP14 – Sustainable Housing  
DC1 – Access by Disabled Persons



DC3 – External Lighting  
DC8 – Public Water Supply  
DC10 - 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 Waen-Trederwen. 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

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.

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

In considering a departure from the Powys Unitary Development plan policies consideration must be given to 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.

Waen-Trederwen is defined in the UDP as a rural settlement. The Key Settlement of Llansantffraid is a short driving distance of 0.9 Kilometres to the north west of Waen-Trederwen which offers a range of facilities and services facilities including a primary school, village shop, community centre and public houses. It is also easily accessible by public transport with regular bus services to Oswestry.

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.

This application is submitted in outline with all matters reserved apart from access to be considered as part of this application process.

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.

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 20 metres distant from the nearest neighbouring residential property known as Oaklands. 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.

The Highway Authority have been consulted on this application and following the receipt of amended plans 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 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 DC10 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system.

This application states that the development will utilise the existing public foul sewerage system. As part of this application process our Environmental Health officers and Severn Trent have been consulted and they have raised no objection to the proposal. Severn Trent have stated that as the proposal has minimal impact on the public sewerage system they can advise they have no objections to the proposals and do not require a drainage condition to be applied.

Officers consider that the proposed development fundamentally complies with policy DC10 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 and Natural Resources Wales has been consulted and has provided comments on the application.

Following the receipt of a phase 1 habitat survey the County Ecologist stated that they had no objections to the proposed development subject to the inclusion of the suggested conditions securing that the mitigation measures identified in the ecological assessment are adhered to, 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 at this stage.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting and mitigation measures 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).

### 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 Llansantffraid is not 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 Llansantffraid Ward reported that 19.8% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 21.4% of the population of Llansantffraid 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.

### Public Representation

It is noted that public representations were received at the time of writing this report. Whilst it is considered that some of the concerns raised have already been addressed in the report above there are still some outstanding concerns which will be addressed as follows:

Mains sewage – Issues have been raised with regards to lack of mains sewerage in the area, however following the comments from Severn Trent as mentioned above they have not raised any concerns with regards to connecting to the existing system.

Section 106 – Due to the lack of housing land supply as previously mentioned the need to increase housing land supply should be given considerable weight.

Site not to be considered as an allocated site – The field in which the site is located was put forward as a candidate site for the Powys Local Development Plan, however was rejected as the location unsuitable for large scale housing. The proposed development is for two dwellings and it is considered that the smaller scale of development could be considered as sustainable.

### **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 the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
6. 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.
7. All surface water run-off is to be collected and discharged via a piped system within the site and shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway. This system shall be retained and maintained for as long as the development remains in existence.
8. No storm water drainage from the site shall be allowed to discharge onto the county highway.
9. The mitigation measures identified in section 7 of the Ecological Assessment produced by Star Ecology dated 24 August 2017 shall be adhered to, implemented and maintained thereafter in full.
10. Prior to the first use of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

## **Reasons**

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

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. 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.
10. 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.

## **Informative Notes**

### Building Control

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

### 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.

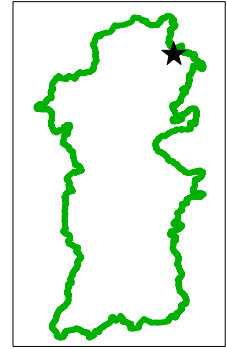
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has 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](mailto:enquiries@bats.org.uk).

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Case Officer: Sara Robinson- Planning Officer  
Tel: 01597 827229 E-mail:[sara.robinson@powys.gov.uk](mailto:sara.robinson@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

# 7.9

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

<b>Application No:</b>	P/2017/0825	<b>Grid Ref:</b>	325368.46 316471.4
<b>Community Council:</b>	Llandrinio	<b>Valid Date:</b>	<b>Officer:</b> 07/07/2017 Sara Robinson
<b>Applicant:</b>	Mr Richard Corbett, Cynefin, Penrhos, Llanymynech, Powys, SY22 6QB		
<b>Location:</b>	Land adj Cynefin, Penrhos, Llanymynech, Powys, SY22 6QB		
<b>Proposal:</b>	Outline: Erection of one detached private dwelling with all associated works including installation of a new septic tank (all matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan and is recommended for approval.

### Site Location and Description

The site subject to this application is located adjacent to the Rural Settlement known as Penrhos.

The site is located on a parcel of land bounded by agricultural land to the north, east and west. To the south is the C2035 classified highway.

Consent is sought for the erection of one detached private dwelling with all associated works including installation of a new septic tank with all matters reserved.

### Consultee Response

#### Llandrinio Community Council

The Community Council held a site meeting at the above property on Tuesday 15<sup>th</sup> August. They have decided to object to the application as any dwelling should be on a 'local needs' basis. This would be consistent to the approach taken for other properties in the area (i.e Ty'r Onnen opposite). There is still a demand for more affordable homes in Penrhos and Sarnau whilst there are a number of larger properties available for sale both in Arddleen and Four Crosses.

We have asked County Councillor Mrs L M Roberts to call the application in for a Committee decision.

#### Powys Highways

The County Council as Highway Authority for the County Class III Highway, C2035

Wish the following recommendations/Observations be applied  
Recommendations/Observations

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 0.26 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. 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 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 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.

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.

#### Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 25.07.2017, advising us of the proposals for:

Cynefin, Penrhos, Llanymynech, Powys, SY22 6QB

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 Authority

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

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

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

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

### Powys Environmental Health

*Consultation Received 27/07/2017*

Foul drainage

It is important to establish, even for outline applications, that the ground conditions at the site are going to be suitable for the type of foul drainage system that is being proposed. Therefore, please can the applicant/agent submit percolation test results in order to demonstrate that the ground conditions are suitable for a foul drainage field, and to determine the area of land required to accommodate it? The tests should be carried out in accordance with the methodology in document H2 of the Building Regulations.

*Consultation Received 28/09/2017*

Unfortunately these percolation tests were carried out in 2001 for a different property, and the agent has given no indication of their location. I will require up-to-date percolation tests carried out in the intended location for this proposed drainage field.

*Consultation Received 12/10/2017*

I am satisfied the percolation test results demonstrate that the ground conditions are suitable for the proposed method of foul sewage disposal.

Therefore, I have no objection to the application.

## Powys Ecologist

Thank you for consulting me with regards to planning application P/2017/0825 which concerns the outline application for the erection of one detached private dwelling with all associated works including installation of a new septic tank (all matters reserved) on Land adjacent Cynefin Penrhos, Llanymynech.

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 52 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 appears to be an area of grazed improved grassland which is considered a habitat of low ecological value.

I note from aerial images that there is a pond located approximately 160m North East of the proposed development site – consideration for suitability for development site to support Great Crested Newts identified – Great Crested Newts being a European Protected Species.

Having reviewed information available in form of onsite photographs and aerial images the habitat present at the site of the proposed development offers negligible suitable opportunities for Great Crested Newt terrestrial habitat. Given the lack of suitable habitat it is considered that the proposed development would therefore not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

It appears no trees or hedges will be required to be removed in order to accommodate the proposed developments or to form new vehicular access.

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.

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.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;



- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

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.

Cllr Lucy Roberts

*Consultation Received 15/08/2017*

I would like to call this application in to committee as I wish to make sure that full consideration is given to the community council's desire for permission to be given only on the basis of local needs.

*Consultation Received 15/08/2017*

Apologies Sara, I have only just picked up emails from this afternoon. My understanding is that both the neighbouring house and the one opposite were granted planning permission with local needs restrictions. It would therefore seem inappropriate to grant planning permission for this property without a local need restriction.

## **Representations**

Following display of a site notice on 27/07/2017 for a period of 21 days no public representations have been received by Development Management at the time of writing this report.

## **Planning History**

01/625 – Outline application for the erection of a dwelling, installation of a septic tank and construction of new vehicular access - Outline

04/216 – Erection of a dwelling installation of a septic tank and construction of vehicular access – Reserved Matters

## **Principal Planning Constraints**

None as per GIS.

## **Principal Planning Policies**

### National planning policy

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) 12 - Design (2016)

Technical Advice Note 20: Planning and the Welsh Language (2017)

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

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

HP3 - Housing Land Availability

HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Development  
HP6 - Dwellings in the Open Countryside  
HP14 – Sustainable Housing  
DC1 – Access by Disabled Persons  
DC3 – External Lighting  
DC8 – Public Water Supply  
DC11 – Non mains Sewage Treatment  
DC13 – Surface Water Drainage  
TR2 – Tourist Attractions

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 Penrhos. 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

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.

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

In considering a departure from the Powys Unitary Development plan policies consideration must be given to 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.

Penrhos is defined in the UDP as a rural settlement. The Large Village of Arddleen is a short driving distance of 0.67 Kilometres to the south east of Penrhos which offers services facilities including a Primary School, Community Centre, Public House and Place of Worship. The Key Settlement of Four Crosses is located approximately 2.3 Kilometres to the north east of Penrhos which offers a range of facilities and services facilities including a village shop and fuel station, primary school and medical centre.

Arddleen and Four Crosses are also easily accessible by public transport with regular bus services to Oswestry, Welshpool and Newtown.

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.

This application is submitted in outline with all matters reserved to be considered during the submission of the reserved matters.

Whilst access, 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 single dwelling proposed is to be a detached two storey dwellings with five bedrooms.

Although Officers acknowledge that matters relating to access, 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 single 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.

### Siting

Penrhos settlement consists of dispersed developments set around a church and community centre. The proposed site is located approximately a mile east of these facilities but is immediately adjacent to a cluster of four dwellings, one of which was approved as an affordable dwelling in 2001 as it was considered that the site did form part of the settlement of Penrhos. In light of previous judgements made by the Council, it is considered that the current proposal site is integrated within the settlement of Penrhos and accords with the policy on this matter.

The development will be seen immediately adjoining the properties of Laburnum House, Lane End Cottage, Ty'r Onnen, Cynefin and Llwyn Vale, and it is due to this clustering of dwellings that this exception site is considered acceptable in visual impact terms.

### 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 will be located adjacent to the dwelling known as Cynefin located approximately 41 metres distant from the nearest neighbouring residential property known as Cynefin. The indicative layout 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 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 proposes the plantation of trees. 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 the dwelling, 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.

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.

It is noted that access is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to include highways conditions on this application.

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.

### 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.

### Ecology and Biodiversity

As part of this application process our County Ecologist had been consulted and has provided comments on the application. The Ecologist stated that having 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 52 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.

Having reviewed information available in form of onsite photographs and aerial images the habitat present at the site of the proposed development offers negligible suitable opportunities for Great Crested Newt terrestrial habitat. Given the lack of suitable habitat it is considered that the proposed development would therefore not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

It appears no trees or hedges will be required to be removed in order to accommodate the proposed developments or to form new vehicular access.

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.

The Ecologist has therefore requested that a number of conditions are attached to any grant of planning permission.

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 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).

### 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 Llandrinio is not 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 Llansantffraid Ward reported that 12.2% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 13.7% of the population of Llansantffraid 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.

### 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.

### **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 the installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

### **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, 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.

### **Informative Notes**

#### Building Control

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

#### Wales & West Utilities

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

#### 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](mailto:enquiries@bats.org.uk).

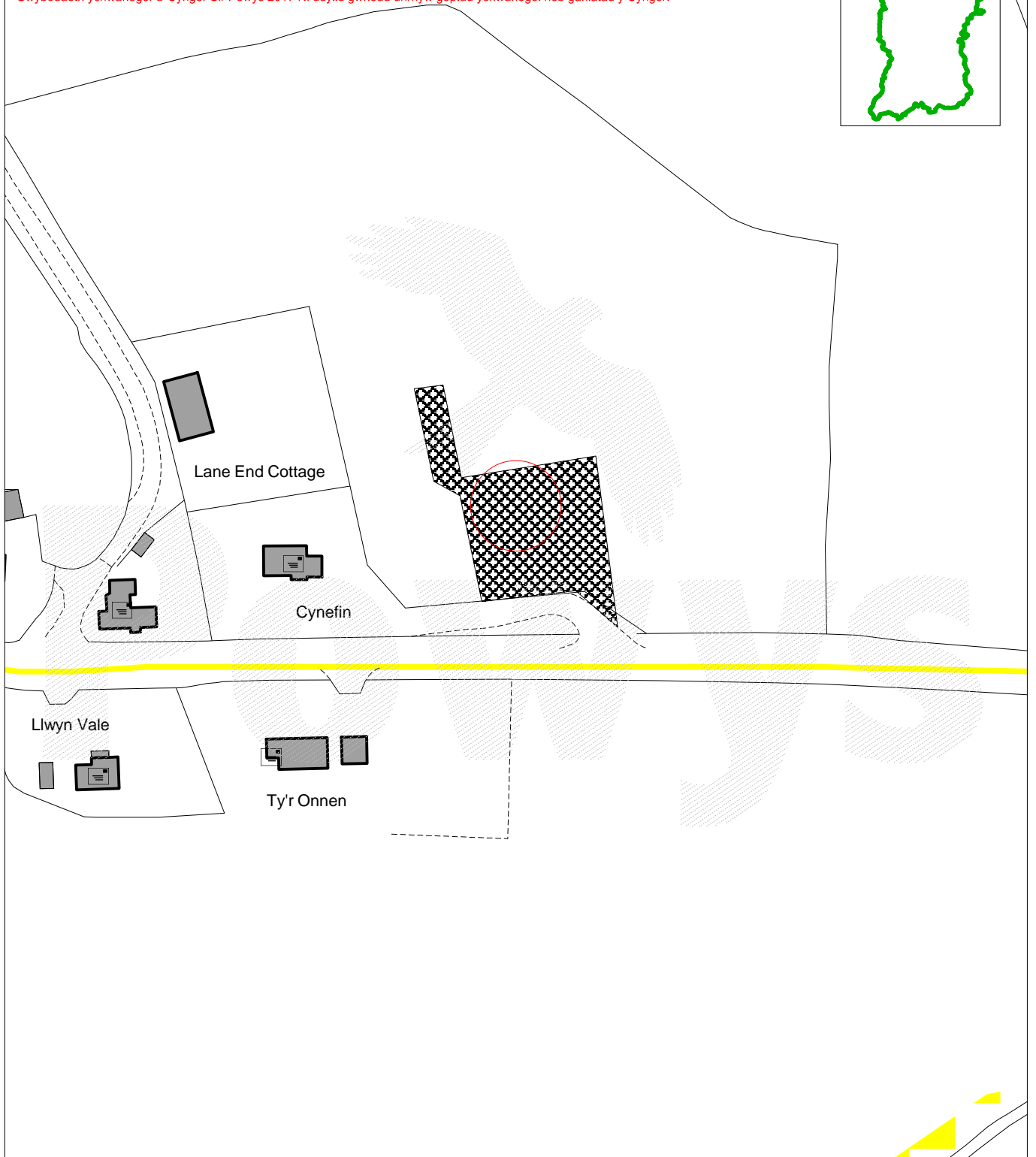
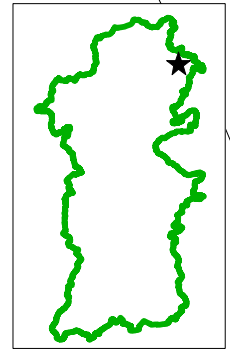
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Case Officer: Sara Robinson- Planning Officer  
Tel: 01597 827229 E-mail: [sara.robinson@powys.gov.uk](mailto:sara.robinson@powys.gov.uk)



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

# 7.10

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

<b>Application No:</b>	P/2017/0259	<b>Grid Ref:</b>	293222.95 246980.22
<b>Community Council:</b>	Llangamarch Wells	<b>Valid Date:</b>	<b>Officer:</b> 09/03/2017 Thomas Goodman
<b>Applicant:</b>	Mr John Carroll, Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4BY		
<b>Location:</b>	Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4EP		
<b>Proposal:</b>	Siting of 40 touring caravans and 13 static caravans for holiday use between 1st March through to 3rd January of the following year and the winter storage of 42 caravans		
<b>Application Type:</b>	Application for Full Planning Permission		

### Update Report:

The application was deferred to secure guidance from NRW in relation to flood risk caused by the increase time period of occupation. The following is an updated version of the original report that included the information requested by the Planning Committee.

### The reason for Committee determination

The application is a departure from Unitary Development Plan (within flood zone) and is recommended for approval.

### 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 north of the application site runs the Heart of Wales Railway line. Access to the site is along a private track from the east off the C0024. To the south runs the River Irfon and to the west is agricultural land.

Consent is sought for the siting of 40 touring caravans and 13 static caravans for holiday use between 1st March through to 3rd January of the following year and the winter storage of 42 caravans.

### Consultee Response

Llangammarch Community Council

No response received at the time of writing this report.

#### PCC - Highways

Does not wish to comment on the application.

#### Welsh Water

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/public sewerage treatment works is preferred we must be re-consulted on this application.

#### Water Supply

Dwr Cymru Welsh Water has no objection to the proposed development.

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](mailto:developer.services@dwrcymru.com)

#### NRW

*Consultation response received 04/04/17:*

Thank you for your consultation received on 14th March 2017 we provided pre-app advice in relation to this application and we note that no new information has been presented.

Based on the information submitted we have no objection to the proposal.

#### River Wye SAC/Upper River Wye SSSI

The proposal site is already in use for static and tourer caravans and it is immediately adjacent to the River Wye SAC/Upper River Wye SSSI.

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 foul drainage and 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 section below.



## Foul Drainage and Permit Requirements

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.

The site currently has an EPR permit, ref: AN046001 and schedule 3 of the permit has set a limit of 9m<sup>3</sup> per day to ground. We understand that the current application is to extend the season only and does not affect the number of caravans on site.

If the owners should in the future seek to increase the number of caravans on the site they will need to demonstrate that the existing sewage treatment is able to deal with the additional loading and that the existing soak away is large enough. The operator will need to comply with British Standard 6297:2007+A1:2008 Code of Practice for the design and installation of drainage fields for use in water treatment. If the existing system is not able to cope with the increased loading the operator will need to apply to vary their permit and carry out the appropriate works to upgrade their sewage treatment system.

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.

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

## Flood Risk

The application site 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.

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).

This application to extend the opening season does not increase the number of units and therefore the vulnerability/risk will not change and in this instance we do not require a Flood Consequence Assessment (FCA).

In accordance with the guidance in Appendix 6 of TAN15, the applicant should be aware of the risk to the site and (if not already in place) agree an emergency plan with the local

authority to ensure that site users are aware of the risk and action to be taken in the event of a flood.

We would recommend you consult other professional advisors on the acceptability of proposals and on matters 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 comment on or approve the adequacy of flood emergency response 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. In this area the Lead Local Flood Authority are Powys County Council.

#### European Protected Species – Otter and Bats

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. There is a record of an otter spraint within the site.

No ecological information has been provided. As the site is already in use as a caravan park and this application is only to extend the length of season and allow winter storage we consider that this would not have an adverse impact on otters as they would be accustomed to the current levels of light and disturbance along this stretch of the river.

If the lighting plan should change any possible effects on otters and bats could be mitigated by directing site lighting away from the river banks to limit the impact of light pollution on species using the river corridor.

#### 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.

*Consultation response received 29/06/2017:*

I passed on your query to the development flood risk team. The original internal consulate was not available but their colleague replied -

"Whether the site is open for 9 months or 12 months doesn't remove the flood risk as a flood can happen any time of year as we've seen historically. In terms of the probability of occurrence, this may be the only factor that changes as a result of the continuous use of the site (if its 12 months for the extension). "

*Consultation response received 10/07/17:*

Thank you for your correspondence in relation to the above planning application. We previously gave pre-app advice on this case and responded to a planning consultation on 4th April 2017 CAS-30720-W6P5.

We received further communication from yourself on 23rd June 2017 requesting further clarification in relation to the flood risk and vulnerability. We replied on 29th June 2017 and we were asked to provide further clarification as to whether the site would be likely to have an increased flood risk/vulnerability.

Following re-consultation with our development flood risk specialists we have reconsidered our response and have the following recommendations and advice:

We accept that the site is an existing caravan park and that the numbers of the caravans/pitches will not be increased. However, the extension to the opening season means that people residing in the static caravans could be spending more days at the site, thus increasing the chances of being at flood risk.

We consider that provision of a Flood Consequence Assessment (FCA) to appreciate a better understanding of the actual flood risk to the site would provide an opportunity to provide mitigation, flood protection measures and flood warning procedures to protect the residents at the site during the existing opening season and the extension to the season should the application be approved.

Our comments 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. Any site owner/developer 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.

*Consultation response received 12/07/2017:*

Thank you for your correspondence in relation to the above planning application. We previously gave pre-app advice on this case and responded to a planning consultation on 4th April 2017 CAS-30720-W6P5.

We received further communication from yourself on 23rd June 2017 requesting further clarification in relation to the flood risk and vulnerability. We replied on 29th June 2017 and we were asked to provide further clarification as to whether the site would be likely to have an increased flood risk/vulnerability.

With respect to our response dated 10 July 2017, you will note that we reconsidered our original response and provided recommendations and advice, rather than an objection.

Our comments explained that we accept the site is an existing caravan park, with no increase in caravans/pitches. Any increase in risk as a result of the proposals would be to people who may spend more days at the site as a result of the extension to the season. In view of the above our response to your local authority recommended that provision of a Flood Consequence Assessment (FCA) would be appropriate.

Within TAN15 Development and Flood Risk, A6.1 of Appendix 6 states that it is the responsibility of all landowners to protect their property against flooding and A6.2-A6.5 relates specifically to caravan and camping sites and how site owners should protect their property and occupants. Within Appendix 6, specifically A6.5, “where planning permission is granted or a licence to operate is issued ...a condition should be attached requiring the provision of flood risk information to all persons occupying pitches on the site and the erection of suitable permanent warning notices. In the case of sites that are already permitted or licensed, or those for which no licence or planning permission is required, owners are strongly advised to follow the principles described above in respect of their consideration of flood risk issues”.

Should the existing site not benefit from previous consideration of flood risk, your authority may consider that production of a FCA is required to protect existing occupants within the current season.

Our comments 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. Any site owner/developer 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.

*Consultation response received 22/09/2017:*

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 04/09/2017. We note that an FCA was submitted with the application, prepared by SLR, ref: 407.107481.00001 and we have the following comments to make.

Flood Risk

The application site 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).

As demonstrated in the FCA, the current campsite is shown to be at risk of flooding during a Q20 magnitude flood event and more severe events. Likewise, access to the site is only available via the track adjacent to the River Cammarch and is shown to flood to significant depths >1m in the Q20. The site is therefore not compliant with the criteria in Sections A1.14

or A1.15 of TAN15. Flood depths and velocities on the site access significantly exceed the guideline values in Section A1.15 of TAN15.

It should be noted that the hydraulic model has not been run for more frequent events and given the level of the track compared to the adjacent watercourse, flooding of the access is likely in more frequent events (i.e. Q5/Q10). (2005 photo of the access road beneath the railway, shown below) cs2 03-c.

The FCA notes that access would be impassable during a flood event, given the flow constriction through the railway bridge, significant flood depths and velocities are anticipated. A Hazard rating of 'Danger for all – includes the emergency services' is likely during most events affecting the access given the predicted flood depths of over 1m in a Q20 event or above.

We note the recommendations in the FCA to restrict caravans during the open season (and store caravans during winter) in elevated areas located outside the Q100 flood event, which appears to correspond broadly with the existing site layout (shown in FCA Figure 007). It is assumed that storage of caravans refers to the existing units on site during the closed season. We also agree with the recommendation in the FCA that the caravans should be tethered to the ground to reduce the chances of them becoming buoyant in the event in the event of a flood (Section 8.9).

The feasibility of any proposed emergency/evacuation plan for the site should be agreed with the local authority in line with the advice in Appendix 6 of TAN15 regarding Camping and Caravan Sites.

As noted in the FCA the site is only within the Flood Alert area for the River Wye in Powys and is not within a targeted Flood Warning area. The Cammarch is also an ungauged catchment, NRW would be unable to provide any information on river levels on this watercourse. Any evacuation of the site would be dependant on local monitoring of the River Cammarch on the access route, as noted in Section 8.7 of the FCA this 'may quickly become impassable'.

With regards to the impact of increasing the opening season as discussed in Section 9.0, Figure 9-1 indicates the likelihood of a flood reaches a peak in November or December with a slight increase from the likelihood in October, as would typically be expected into the winter months. The severity of events shown in Figure 9-2 indicates numbers of events above the QMED or a 1 in 2 year flood (56.542m<sup>3</sup>/s on the National River Flow Archive <http://nrfa.ceh.ac.uk/data/station/peakflow/55004>) are broadly similar throughout September to December, indicating site occupants may face a similar likelihood of a flood event during the current opening season (through October) or the extended season (through December).

Please note that the updated model/hydrology has not been checked by NRW, it is assumed that these results are correct and any changes are unlikely to significantly alter the predicted flood scenarios on the site or access route. In addition, although Section 6 of the FCA notes the current Welsh Government requirement to add 25% flows to the 1 in 100 year fluvial flood event to account for climate change over the lifetime of the development, the remainder of the FCA refers to +20% flows and this value has been used in the model. Given the site is flooding in more frequent events, the change from 20% to 25% would not alter the findings of the FCA.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

### Scope of NRW Comments

Our comments 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. Any site owner/developer 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.

### Emergency Planning

Thank you for the opportunity to comment on the above application. As discussed I looked in the planning portal and there is no mention of any flood related issues. Even if fluvial flooding is not an issue at this site, as persons will be camping there overnight, I strongly recommend that there should be an Emergency Site Evacuation Plan to explain how persons would safely evacuate the site (as the result of flash flooding, fire etc.)

The NRW website has a very good template for caravan site owners (see hyperlink below, and attached for ease of reference). Although focused on the risk from fluvial flooding this can be used as a good template to produce an Emergency Evacuation Plan.

<https://naturalresources.wales/flooding/guidance-for-caravan-and-campsites-owners-and-operators/?lang=en>

Can I please ask that any further correspondence on this or any other planning matter is sent to this generic email address where it will be picked up by one of my EPO colleagues in my absence.

As always please ring me should you have any further queries about the above.

### **Public Response**

Following the display of a site notice and advertisement in the local press, no public representations have been received at the time of writing this report.

### **Planning History**

P/2014/0799 - Certificate of lawful use for the siting of 40 touring caravans and 13 static caravans between Maundy Thursday and 31st October each year and the winter storage of 42 caravans. Certificate of Lawfulness Split Decision – 30/10/14.

B/93/6957 – Conversion of attached garage to additional living accommodation and erection of a garage – Conditional Consent – 14/02/1994

B/03/0394 – Reserved matters application for construction of detached bungalow – Conditional Consent – 23/02/2004

B/03/0195 – Increase number of pitches from 29 to 50 (tourers). To open from Mid March to Mid November. To open 1 week over Christmas. Withdrawn

B/02/0187 – Temporary use of one caravan pitch for residential use by a warden/owner – Conditional Consent – 14/08/2002

B/01/0187 – Application for Certificate of Lawfulness for use of land for caravans sited permanently and touring caravans for holiday use. Lawful development – 09/08/2001

## **Principal Planning Constraints**

C2 Flood Zone

SSSI

Special Area of Conservation

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 4 – Retail and Commercial Development (2016)

TAN 6 – Planning for Sustainable Rural Communities (2010)

TAN 12 – Design (2016)

TAN 13 – Tourism (1997)

TAN 15 - Development and Flood Risk (2004)

TAN 18 – Transport (2007)

TAN 23 – Economic Development (2014)

### Local Policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability

SP3 - Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

SP8 – Tourism Developments

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 - Safeguarding Biodiversity & Natural Habitats

ENV7 – Protected Species

TR1 – New Tourism Developments

TR6 – Holiday Static Caravan Sites

TR7 – Touring Caravan and Camping Sites

## **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

Policy TR6 of the Powys Unitary Development Plan makes reference to proposals for the development of new holiday static caravan sites. Given that this development is an existing holiday static caravan site it is considered that the development complies with policy TR6 of the Powys UDP (2010).

The proposal seeks consent to allow for the siting of 40 touring caravans and 13 static caravans for holiday use between 1st March through to 3rd January of the following year and the winter storage of 42 caravans. Given that there is no policy restricting the operating period for static holiday homes it is considered that the increase in the operating period would be acceptable in this instance. However, in order to ensure that the holiday units are not used for permanent residential accommodation, appropriately worded conditions will be attached to any granting of consent ensuring this restriction.

Policy TR7 of the Powys Unitary Development Plan makes reference to proposals for the development of new touring caravan and camping sites. A Certificate of Lawfulness was granted under the planning application P/2014/0799. This consent granted permission for the siting of 40 touring caravans and 13 static caravans between Maundy Thursday and 31<sup>st</sup> October each year and the winter storage of 42 caravans. Touring caravan sites have environmental advantages over static caravan sites in that they are normally only occupied for part of the year and their impact on the landscape is therefore less permanent. Consequently, in order to maintain these advantages, Policy TR7 seeks to restrict the permanent siting of touring caravans. However, given that this site already benefits from consent for the winter storage of 42 caravans, in this instance it is therefore considered that a condition restricting the permanent siting of touring caravans could not be enforced. However, in order to ensure that the holiday units are not used for permanent residential accommodation, appropriately worded conditions will be attached to any granting of consent ensuring this restriction.

### Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.



Powys County Council's Highway Authority has been consulted on the proposed development and has not wished to make any additional comments. The proposal will see an increase in activity through the months of November, December and March, however, it is considered that the existing means of access and visibility splays are acceptable. The site itself has not increased numbers of static/touring caravan units and therefore there will not be an overall increase in numbers apart from the periods not previously permitted. Therefore it is considered that in this instance the increased use of the site in the months of November, December and March would not lead to a detrimental impact upon highway safety. The proposed development therefore complies with policy GP4 of the Powys UDP.

### Flooding

Policy SP14 of the Powys UDP refers to development in flood risk areas. The development is within the C2 flood zone and is considered as highly vulnerable development. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones. Natural Resources Wales (NRW) been consulted on the proposed extension of operating period. NRW have stated that this application to extend the opening season does not increase the number of units and therefore the vulnerability/risk will not change and in this instance we do not require a Flood Consequence Assessment (FCA). However, following clarification from NRW a FCA was advised to be submitted in order to appropriately assess the site. Following the submission of the FCA, NRW stated that with regards to the impact of increasing the opening season, there would be a slight increase in likelihood through the winter months. However, broadly the severity of events indicate a similarity throughout September and December, indicating site occupants would face a similar likelihood of a flood event during the current opening season (through October) and the extended season (through December).

In light of the increase risk specified by NRW it is considered that the proposed development is contract to policy aimed at managing flood risk to an acceptable level.

### 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.

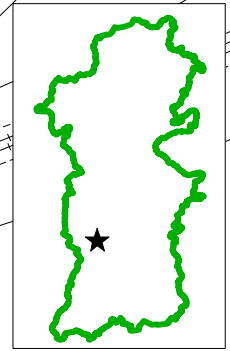
### **Recommendation**

It is considered that the proposed development would result in an increased period of occupation of a caravan site located within a flood zone. The flood risk is considered to be unacceptable. The recommendation is therefore one of refusal. The reason for refusal will be reported within the update report,

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

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

# 7.11

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

<b>Application No:</b>	P/2017/0571	<b>Grid Ref:</b>	312659.85 326184.17
<b>Community Council:</b>	Llanrhaeadr	<b>Valid Date:</b>	<b>Officer:</b> 18/05/2017 Eddie Hrustanovic
<b>Applicant:</b>	Mr N Jones, Tanat Valley Developments, Woolston Bank, Fairfield, Oswestry, SY10 8HZ		
<b>Location:</b>	Phase 2, Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant Oswestry SY10 0JJ		
<b>Proposal:</b>	Outline application for residential development for up to 5 dwellings, formation of access road and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

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

### Site Location and Description

The site extends to approximately 0.38 hectares and is located on the northern side of the B4580 highway to the east of the centre of Llanrhaeadr Ym Mochnant.

The site sits in an elevated position in comparison to the settlement and forms part of a larger field currently in agricultural use and it is adjacent to recently approved site for 5 dwellings (Phase 1, P/2015/1128), however detached from the settlement boundary. The site is slightly elevated in comparison to the Phase 1 site and adjacent B4580 highway which and is bound with a hedgerow and scattered trees along the highway. The proposed development will utilise the already approved vehicular access under the provisions of approved planning permission P/2015/1128.

Llanrhaeadr Ym Mochnant is categorised as a Large Village in the current Powys Unitary Development Plan (Insert map number: M164),

The application is submitted in outline for the erection of five detached, two storey dwellings with garages. The upper and lower limits for the proposal are:

Lower limits – 10m x 10m x 7.5m  
Upper limits – 14m x 14m x 8.75m

### Consultee Response

Llanrhaeadr Y M CC

No response received.

Highways Dept north

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.

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.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development 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.

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.

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.

In the interests of highway safety.

#### Building Control

Building Regulations application required.

#### Severn Trent Water

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

#### Environmental Health

As the proposed dwellings will connect to mains drainage I have no objection to the planning application.

#### PCC Rights of Way

Thank you for consulting Countryside Services on the above application. A Public Right of Way (Footpath 4) abuts part of the north-western external boundary of the proposed development, outside of the site, and **does not** appear to be directly affected by it.

#### **Representations**

Following the display of a site notice and publicity in the local press no third party comments have been received.

#### **Planning History**

P/2017/0487 - Reserved matters application for access, appearance, landscaping, layout & scale in connection with P/2015/1228 (5 dwellings), Pending.

P/2015/1228 - Erection of 5 detached dwellings with garages, formation of vehicular access and associated works (outline), Consent.

P/2015/0548 - Erection of a dwelling and detached garage together with creation of new vehicular access (outline). Withdrawn.

M/1996/0752 - Residential development and access (outline). Refused.

### **Principal Planning Constraints**

- Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest;
- Class 2 highway; and
- Outside of 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 18 - Transport (2007)

TAN 20 - Planning and the Welsh Language (2017)

TAN 23 – Economic Development (2014)

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

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Welsh Office Circular 11/99 - Environmental Impact Assessment

#### Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

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 ENV1 - Agricultural Land  
UDP ENV2 - Safeguarding the Landscape  
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats  
UDP ENV7 - Protected Species  
UDP ENV16 - Landscapes, Parks and Gardens of Special Historic Interest  
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

The proposed development lies wholly outside the development boundary of Llanrhaeadr Ym Mochnant as detailed on inset map M164 and would result in five 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”.*

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.

Llanrhaeadr Ym Mochnant is classified as a large village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M164 HA1 – Land opposite the Telephone Exchange, part OS0776 (1.3Ha) with capacity for 20 dwellings) and this site still remains undeveloped and no application was ever received for the development of this site during the current plan period. This allocation would indicate that it is considered that the settlement can sustain a development of that proposed with the scale and density of the development not leading overall capacity of the settlement being significantly exceeded.

It is important to note that the Planning, Taxi Licensing and Rights of Way Committee resolved to grant outline permission for five dwellings on land adjacent to the current application site under reference P/2015/1228. The Reserved matters application is currently being considered by Development Management.

It should be noted that the site itself is approximately 60 metres to the north east of designated settlement boundary with consented site P/2015/1228 between.

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

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.

Llanrhaeadr Ym Mochnant is classified as a large village in the UDP and it is noted that the village is served by a good range of community services and facilities including medical practice, dentist practice, shops, primary school, places of worship, village hall, public houses, recreation ground and industrial estate. It is also noted that the village is served by a bus route.

In light of the above, the site is considered to be within a sustainable location due to the services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

### Affordable housing

Given that the proposal is for 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.

Evidence of local need has been provided by the Council's Affordable Housing Officer during the Phase 1 application which indicated the following data:

Bedroom	Housing need
1	14
2	30
3	12

This is an accepted form of evidence which demonstrates robust evidence of housing need in the locality.

The applicant has offered to provide on-site provision of one affordable dwelling. This equates to a 20% provision which is considered to be acceptable level of provision in light of current evidence.

### 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 a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the Llanrhaedr Farmlands VSA (MNTGMVS351) which has a high evaluation. The land opposite the site, across the highway is situated within the Lower Tanant Valley VSA (MNTGMVS580) which

has a moderate classification. The village of Llanrhaeadr is situated within the Llanrhaeadr-ym-Mochnant VSA (MNTGMVS654) which is classified as moderate.

The indicative layout and scale shows five detached, two storey dwellings with garages sited in two rows north of the approved Phase 1 scheme and accessed off a shared private drive. The layout demonstrates that the site can accommodate five dwellings and detailed design would follow at a later date, 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. Dwellings in the centre of the village are predominately stone with mixed scales of one and two storey, terraced and detached. Therefore, the proposed scale of two storeys is not considered to be out of character with the locality.

Whilst it is acknowledged that the site is elevated above the highway and that the proposal would result in a visual change in comparison to the current agricultural use and that the access works would be significant engineering operations, existing dwellings to the west and east of the application are in an elevated position with associated vehicular access points and driveways. Taking into account the character of existing development in the locality, that landscaping measures would reduce the visual impact and that the proposed scale of additional five dwellings is considered to reflect the character of the development that has occurred along the highway at this location. It is recommended that any consent should include conditions requiring the submission, approval and implementation of more detailed landscaping measures.

#### Impact upon amenities enjoyed by the occupants of neighbouring properties

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.

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. In addition, this planning consideration can be considered further at the reserved matters stage.

#### Highway access and parking requirements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the Phase 2 site would be gained off B4580 highway via new access which was consented on Phase 1 development. The speed limit at this location is 30 mph and the Highway Authority has not objected to the proposal in this respect. Therefore it is considered that adequate provision for highway access in terms of visibility, turning and parking within the current site would be provided in accordance with UDP Policy GP4.

#### Foul and surface water disposal

It is proposed to dispose of foul sewage to the mains system which is the preferred method of disposal within planning policy. Severn Trent Water has confirmed that there is no objection

to the proposal subject to the inclusion of a condition requiring drainage plans for foul drainage. It is recommended that the suggested condition is attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

It is proposed to dispose of surface water via main sewer and soakaway. Severn Trent Water has not objected to this proposed method, however they have recommended a condition requiring the submission, approval and implementation of a surface water drainage scheme. In order to ensure an adequate means of surface water disposal is provided in accordance with UDP Policy DC13, it is recommended that the suggested condition is attached to any consent granted.

#### Impact upon nature conservation

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).

Given that the site is currently within agricultural use and that there are no known species or sites within the locality which would be affected by the development, it is not considered that there is evidence to suggest that the proposal would adversely affect nature conservation interests.

#### Impact upon tourist attractions

The Countryside Officer notes that a Public Right of Way (Footpath 4) abuts part of the north-western external boundary of the proposed development, outside of the site, and does not appear to be directly affected by it. The proposed development would be visible from the public right of way and would result in visual changes to the locality, as considered above. However, given that the existing detached dwellings in the locality can be seen from the public right of way, it is not considered that the introduction of further detached residential dwellings would cause an unacceptable adverse effect upon the environmental setting of this public right of way in accordance with UDP Policy TR2.

#### Impact upon heritage assets

##### *Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest*

The site is located within the Dyffryn Tanat Landscape of Outstanding Historic Interest. Chapter 6 of Planning Policy Wales advises that information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register. The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application. UDP Policy ENV16 requires consideration to be given to the protection of the special historic interest of historic landscapes included in part 2 of the register of landscapes, parks and gardens of special historic interest in Wales will be sought.

The landscape is summarised as a narrow lowland river valley situated between the Berwyn Mountains and the Montgomery Hills, containing diverse evidence of land use from prehistoric to recent times. The area includes significant crop-marks of hidden prehistoric ritual and funerary sites; large well-preserved Iron Age hillforts; prehistoric to recent mining remains; medieval mottes, settlements and Pennant Melangell Church.

Given the scale of the development, that the impact can be mitigated by landscaping and design considerations, it is not considered that the proposal would have more than a local impact upon the Landscape of Outstanding Historic Interest and would not have an unacceptable impact upon the character or appearance of the overall landscape asset in accordance with UDP Policy ENV16.

#### 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.

#### 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:

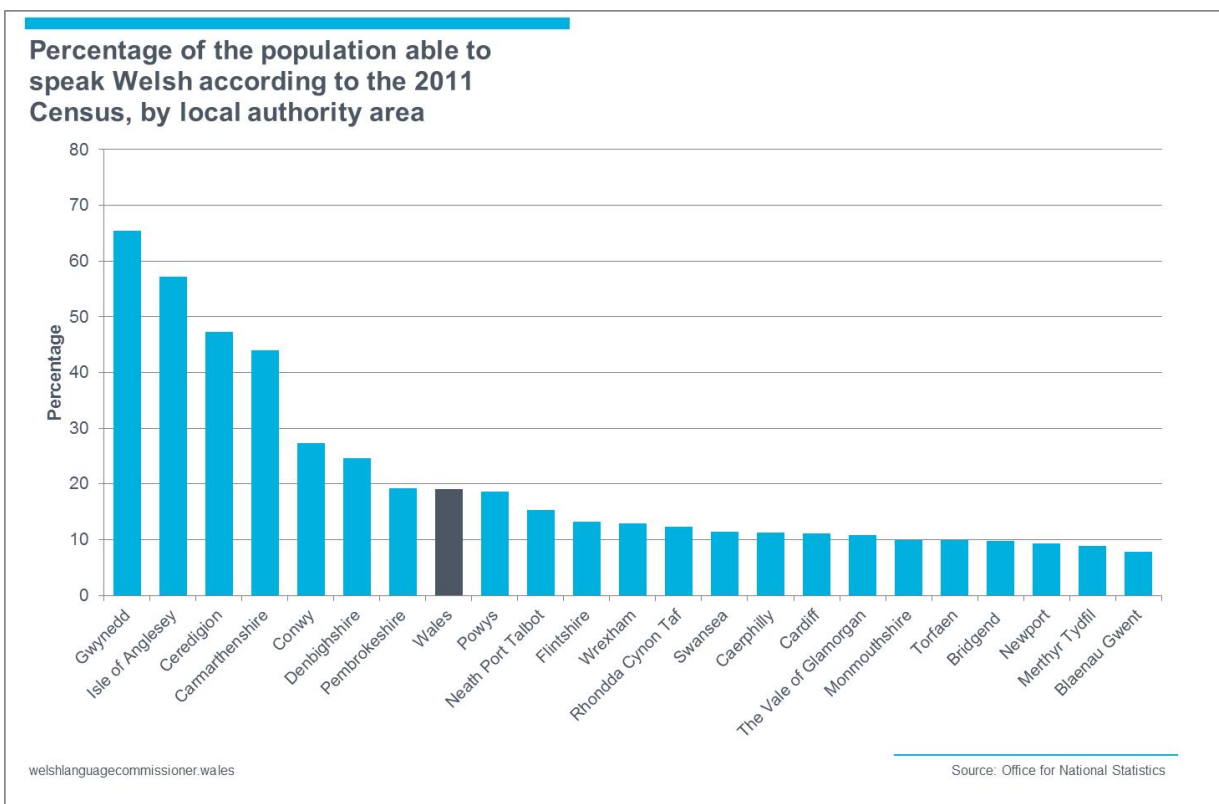
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted

development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

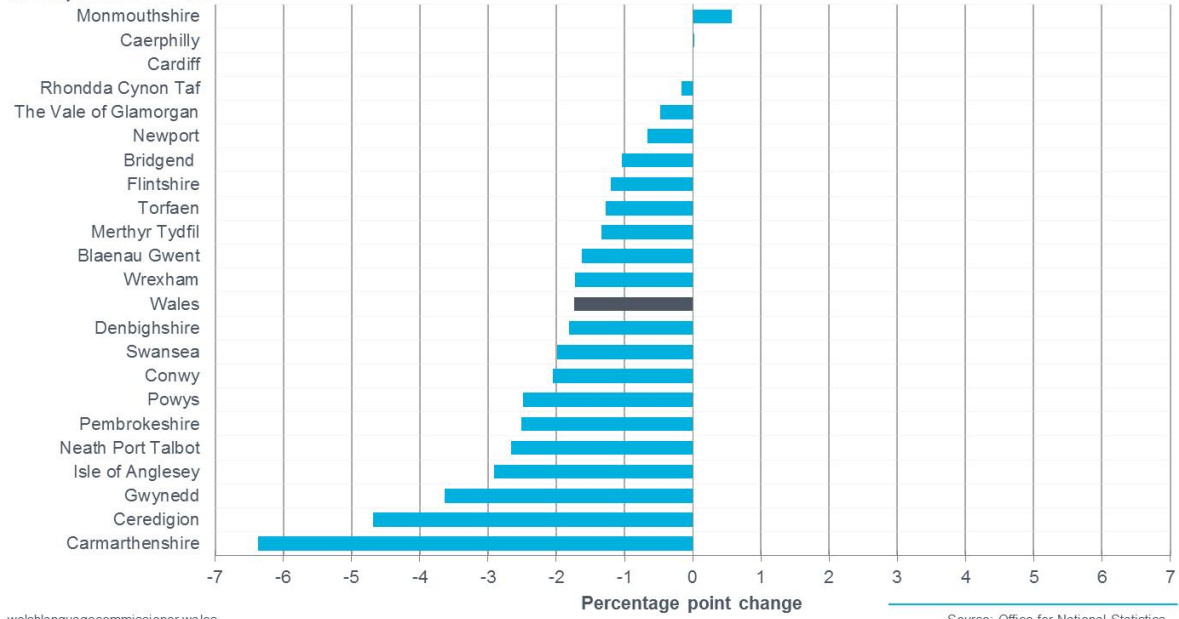
Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanrhaeadr ym Mochnant 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;



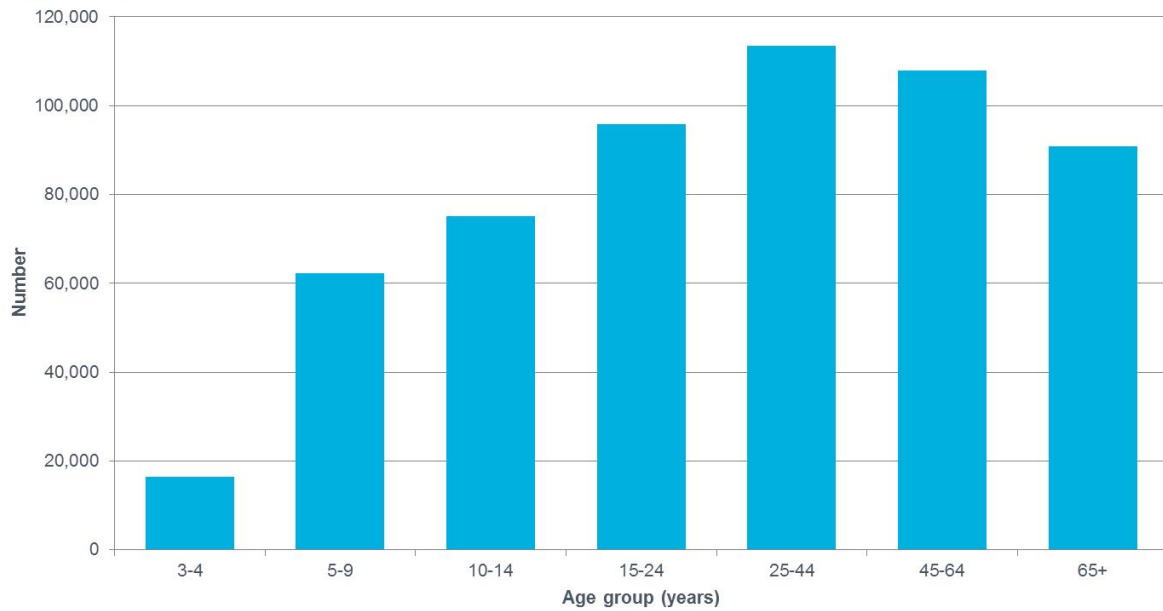
**Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011**



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

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
1,435	81	74	36	673	27	544

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
2,242	1,204	207	756	104	53	602	72

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+	42.5	54.1	497	639
3-15	56	68.2	93	159
16-64	39.3	48.5	85	349
65+	43	57.7	119	138

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanrhaeadr ym Mochnant ward has unfortunately decreased. In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

*“The 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”, and*

*“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 scheme brings forward an appropriate number of affordable units as suggested under Policy GP5. 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. It is envisaged that the number of affordable dwellings within the scheme to be approximately 2 units, with a maximum footprint of 130m<sup>2</sup> therefore ensuring affordability. The affordable dwelling will be integrated throughout the site.

It is considered that the introduction of five 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 to mitigate against the impact of a development on the Welsh language.

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 Llanrhaeadr 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**

Following careful consideration, on balance, it is considered that the lack of housing land supply within the county warrants the approval of this development. Therefore, the recommendation is one of conditional consent subject to below conditions. An amenity space condition is to follow in the update report.

### **Conditional Consent**

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 xxx in so far as the extent of the application site as indicated in drawing no: P-02.
5. 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.*

6. 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.

7. 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.

8. A detailed landscaping scheme shall be submitted at the same time as the other reserved matters. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

9. All landscape works shall be carried out in accordance with the approved details. 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. 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.

11. 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.

12. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space

provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

14. The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

5. 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).

6. 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).

7. 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).

8. 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 (9th Edition, 2016).

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 9, 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.

14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

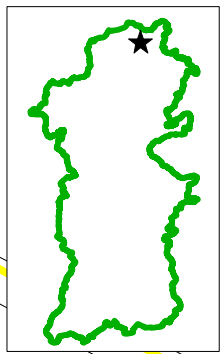
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

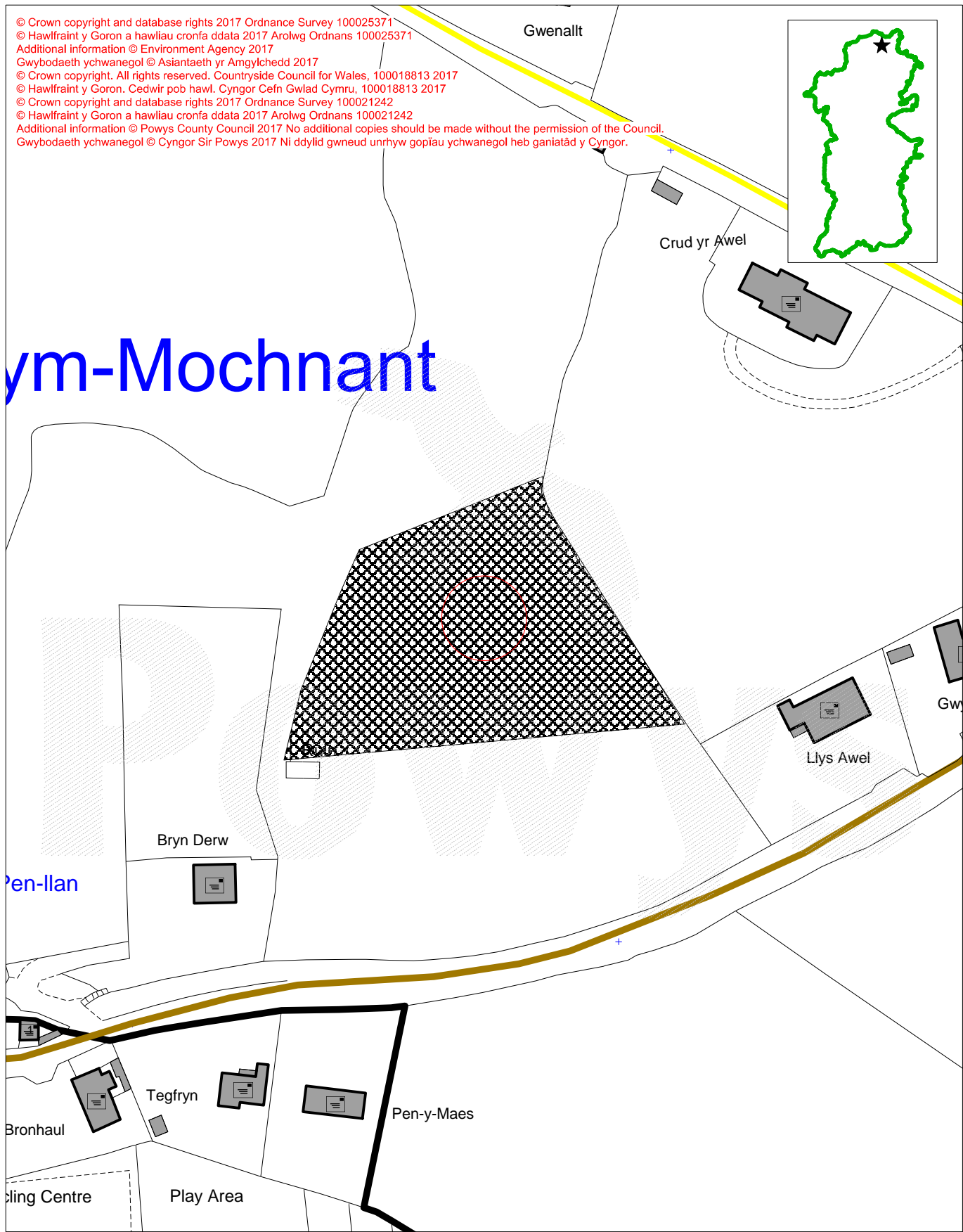
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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# Llanrhaeadr Ym-Mochnant



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



# 7.12

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

<b>Application No:</b>	P/2017/0667	<b>Grid Ref:</b>	304017.92 256724.39
<b>Community Council:</b>	Disserth and Trecoed	<b>Valid Date:</b>	<b>Officer:</b> 20/06/2017 Thomas Goodman
<b>Applicant:</b>	Mr J Nicholls, Cargill Meats Europe, Feed Mill Allensmore, Hereford, HR2 9AW		
<b>Location:</b>	Gaufron Farm, Howey, Llandrindod Wells, Powys, LD1 5RG		
<b>Proposal:</b>	Full: Redevelopment of site, including the demolition of 5 poultry units, and the erection of 2 replacement poultry units and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The application is accompanied by an environmental statement.

### Site Location and Description

The proposed development site 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).

The application site is located to the north of the U1316 unclassified road and to the west of the Heart of Wales Railway Line. To the north of the application site is agricultural land and to the west are residential properties serving the units.

The proposed development seeks to re-develop the site, which includes the demolition of the existing 5 poultry units with the replacement of 2 larger poultry units. The unit will house approximately 56,000 birds per cycle for the rearing of broiler breeder birds.

The poultry buildings will each measure approximately 97.5 metres in length by 32 metres in width and 7.7 metres to the ridge. A control/service room will be located at the southern end of the units and will measure approximately 15 metres in length and width. The combined floor space will be 6,750 square metres. Six feed bins are also proposed which are located in pairs at the southern end of each building and a pair between the two buildings. The poultry units will be portal framed construction with insulated box profile metal sheeting to the walls and box metal profile sheeting roofs.

### Consultee Response

Disserth and Trecoed CC

No response received at the time of writing this report.

## Powys Highways

*Consultation response received 07/07/17:*

It is clear from the information supplied within Section 11 of the Environmental Statement that the traffic movements associated with the redevelopment of the existing poultry facility effectively mirror the levels currently experienced.

In light of the above and given that the existing access arrangements remain unaltered, the Highway Authority have no grounds to offer any objection to the proposal.

## Welsh Water

*Consultation response received 30/06/2017:*

I am currently processing our response for the above planning consultation.

Please can you confirm if the developer requires a water supply? Or, if they do have an existing water supply, would there be any change in water usage?

*Consultation response received 13/07/17:*

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

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

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@dwrwymru.com](mailto:developer.services@dwrwymru.com)

Please quote our reference number in all communications and correspondence.

## Powys Environmental Health

I write with reference to the above.

The proposed development will be housing 56,000 broilers which is above the threshold of 44,000 for regulation of poultry farming under the Environmental Permitting (England and Wales) (Amendment) Regulations (EPR) 2016 and as such will require a permit issued by Natural Resources Wales.

The permit will address relevant issues relating to air, water and land and including management and operations Inc. Noise and Odour.

Emissions of noise that are generated outside of the environmental permit such as construction noise does fall within the remit of Environmental Protection and therefore should permission be granted I would suggest the following condition is attached.

#### Demolition & Construction

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

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

Reason: To ensure that the amenities of neighbouring properties are not detrimentally impacted upon in terms of noise.

#### (a1) Transport Noise

All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.

Reason: To protect the local amenities of the local residents from noise.

#### Powys Rights of Way

Thank you for the opportunity to comment on this planning application.

The access to the site is dual recorded as both a road (U1316) and as a bridleway (DT1690). As such, consideration should be given to users of the public right of way (walkers, cyclist and equestrians) accessing the network beyond the development, both during the proposed re-development and once the proposed unit becomes operational if approved.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public path be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the path can be legally stopped-up for a defined period.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

### Powys Ecologist

#### *Consultation response received 03/07/17:*

The proposed scheme is an intensive livestock installation which falls below the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, Schedule 1 (17a) threshold for this type of development of 60,000 places for hens, but exceeds the Schedule 2 threshold of having a floor space area higher than 500m<sup>2</sup> (6750m<sup>2</sup>). Following a screening opinion provided by PCC on 14/12/16 an Environmental Statement has been submitted with the planning application.

A phase 1 habitat survey, protected fauna survey and habitat suitability assessment of the site have been completed and the accompanying report submitted with the application (Turnstone Ecology, May 2017). The Turnstone Ecology report is also summarised in the Environmental Statement submitted with the planning application (Berrys, no date given).

The report generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009) but refers to the NERC Act 2006. However, the Environment (Wales) Act 2016 has now replaced the duty in section 40 of the NERC Act in relation to Wales, with a duty on public authorities to seek to maintain and enhance biodiversity. The Environment (Wales) Act has therefore been referred to when making these observations.

Historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service have also been reviewed to inform these observations.

The ecology report confirms that habitats at the site comprise improved grassland in the northwest and south, trees along the eastern boundary and within gardens to the west, disturbed ground and ruderal vegetation to the north, east and in between the existing buildings and hedgerows to the north, south and west of the existing buildings. The report states that buildings, hardstanding, disturbed ground and areas of improved grassland would be directly affected by the proposals.

The ecology report identifies that the site and adjacent area provides suitable habitat for bats, badger, dormouse, nesting birds, Great Crested Newt and reptiles.

Within 2km of the site there are historical records of otter (within 931m) and various bat species including myotis species, Whiskered, Noctule, Common and Soprano Pipistrelle and Brown Longeared (nearest within 890m), although none from the site itself.

The ecology report confirms that no evidence of bats using the poultry units was observed during the site survey and the buildings do not appear to be suitable for use by roosting bats, being well sealed and lit for long periods. No roosting features were noted in the trees adjacent to the eastern boundary of the site. However, the report concludes that the surrounding trees and hedgerows provide good foraging and commuting opportunities for bats.

The ecology report recommends that, if any bats are observed during the works, works must cease and advice sought before proceeding. Considering the unlikely chance of bats roosting in the buildings this advice is considered appropriate in this case.

Enhancement measures for bats are proposed in Section 4.3.3 of the ecology report in the form of long term roosting provisions on/within the new buildings and/or trees within the site boundary. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The ecology report concludes that most of the site is unsuitable for Dormouse and the boundary hedgerows have very limited suitability due to the lack of food plants and connectivity to surrounding habitat. However, the tree-lined railway corridor to the east of the site is concluded as being suitable for Dormouse. Measures for the protection of hedgerows and trees in accordance with BS5837:2012 are proposed in the ecology report and would ensure no negative impact to Dormice and their habitat. A tree and hedgerow protection plan should therefore be provided for LPA approval prior to commencement of development.

There are no historical records of Great Crested Newt within 2km. The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor outside the site to the east provide suitable habitat for Great Crested Newt. However, the habitat directly affected offers only limited foraging/dispersal opportunity and there are no waterbodies identified within 500m of the site. No negative impacts on Great Crested Newt are therefore predicted.

Within 2km of the site there are historical records of amphibians including Palmate and Smooth Newt (within 579m) and Common Frog (within 927m) and Red Kite (within 673m), although none from the site itself.

The ecology report confirms that two active badger setts are present within the site along with evidence of badger activity and the presence of good foraging habitat.

Since one of the Badger setts is likely to be damaged and disturbed during the groundworks the ecology report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the ecology report (Turnstone Ecology, May 2017) proposes measures to be taken to exclude Badgers from the sett. The other, larger sett would be unaffected by the proposals and there is suitable habitat for a new sett immediately adjacent to the site so a replacement sett is not proposed. These measures are considered acceptable and should be included as part of the licence application. Measures to ensure foraging Badgers do not become trapped during the works are also proposed.

The buildings are considered suitable to support nesting birds, such as House Sparrow and Swallow, while the surrounding hedgerows and trees could support a range of nesting bird species.

The ecology report recommends that site clearance works occur outside of the bird nesting season (March – August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished. The surrounding hedgerows and trees that are to be retained provide suitable bird nesting habitat and recommendations are made to protect these during the works in accordance with BS5837:2012.

As an enhancement measure, the provision of open and hole-fronted bird boxes on buildings and trees within the site is proposed within the ecology report and should include terrace boxes for House Sparrow and access to internal ledges/roof frames for Swallows. I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to development commencing.

The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor to the east are considered suitable to support reptiles. Habitat modification measures to deter reptiles in advance of site clearance are therefore recommended and site clearance of these areas timed for March – October inclusive, when reptiles are likely to be active. Recommendations are also made to avoid storage of site materials from site boundaries to deter reptiles from using them as cover.

In addition to the species already discussed above, within 2km of the site there are historical records of hedgehog (within 530m) and Polecat (within 534m), although none from the site itself.

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.

The Environmental Statement (Berrys, no date given) identifies that water pollution from the site could enter a local watercourse, but no further details, such as a Site Drainage Plan or Manure Management Plan, appear to be available to enable the potential impacts on this feature to be assessed. Rivers are a Section 7 Priority Habitat and measures must therefore be taken to ensure that this watercourse is not negatively affected by pollution from the proposal (please refer to the observations on Protected Sites below).

The ecology report (Turnstone Ecology, May 2017) states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The ecology report also proposes that the botanically poor areas of grassland and ruderal vegetation are enhanced with a mix of native field margin species and grass species, and appropriate management. This would be welcomed as a biodiversity enhancement to the site and a species list should be provided as part of a site biodiversity enhancement plan for LPA approval prior to development commencing.

As another enhancement measure the ecology report proposes planting of trees in the northern and western boundaries of the site to fill in gaps and improve connectivity, and suggests suitable native, broadleaved species for this. This would also enhance the habitat at the site and its connectivity with surrounding habitats for Dormice, commuting/foraging bats, nesting birds and a range of other wildlife. I therefore recommend that the species and planting design are included as part of a biodiversity enhancement plan to be provided for LPA approval prior to development commencing.

The ecology report (Turnstone Ecology, May 2017) confirms that the Afon Gwy SAC is located approximately 0.9km north-west of the proposals. A Report on the Modelling of the Dispersion and Distribution of Ammonia has been completed by AS Modelling (February 2017) using the Environment Agency's standard ammonia emission factors (H1 Annex B – Intensive Farming), which identifies other components of the Afon Gwy SAC within 10km of the farm as well as the Ellenydd Mallaen SAC and SPA.

Please note that NRW have since issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits for such installations. The Ammonia Modelling report therefore predates this guidance. For SACs, SPAs, Ramsars and SSSI's the screening distance from source is now 5km, the threshold of insignificance % of critical level/load is 1%, while the upper threshold % of critical level/load is 8%. Therefore, the Ammonia Modelling assessment will need to be revised and updated to meet the current NRW OGN 41 guidance requirements prior to determination of planning.

The Environmental Statement identifies that water pollution from the site could enter the local watercourse and reach the River Ithon SSSI and Afon Gwy SAC. Mitigation for the collection and treatment of dirty water is specified in the ES and involves spreading the dirty water collected from cleaning the buildings onto agricultural land. A manure management plan to show the locations for this, including suitable buffer distances from watercourses, should be provided for approval prior to determination of planning. Surface water would be dealt with separately before being discharged into a nearby land drain, which ultimately connects with local watercourses.

I recommend that a Site Drainage Plan is prepared for LPA approval prior to determination of planning; this should indicate the locations of the proposed site drainage and links with any surface watercourses that could be at risk of receiving pollution from the site. Such a plan would be required to inform a Habitats Regulations Test of Likely Significant Effects for the Afon Gwy SAC, which would need to be completed prior to determination of planning.

A Pollution Prevention Plan (Berrys, no date given) has also been submitted with the application. Section 8 of this document states that standard pollution prevention measures will be implemented during the site construction phase. Section 9 of the report details operational pollution risks and controls that would be implemented, which would also include the construction phase. A risk assessment and emergency procedure is also outlined. The PPP appears to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are also consulted for their views on this as part of the site permitting requirements.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

The ecology report confirms that thirteen SSSI are located within 5km of the proposals with the Ammonia Modelling report identifying seven within 2km; the closest being the Neuadd and Tylelo Mires SSSI approximately 900m to the SSW. Please see the comments above regarding the Ammonia Modelling assessment report and new NRW guidance.

See the observations above regarding the Pollution Prevention Plan and requirement for a Manure Management Plan and Site Drainage Plan prior to determination of planning.

The Ammonia Modelling report identifies several Ancient Woodlands within 2km of the site, the closest being 210m to the north-west. The Ammonia Modelling report predicts that the site's process contribution to the maximum annual ammonia concentrations and nitrogen and acid deposition rates would be below the EA's lower threshold percentage of Critical Level or Load for these sites, and are therefore deemed insignificant. NRW's new guidance note on ammonia and nitrogen modelling (OGN41) does not include Ancient Woodlands in its scope and the method of assessment of this feature for the Ammonia Modelling report is therefore deemed acceptable.

Recommendations and mitigation measures for bats, nesting birds, badgers and reptiles are provided in the Ecology Report (Turnstone Ecology, May 2017) and Environmental Statement (Berrys, no date given). Relevant conditions relating to these are therefore suggested below.

Since a Badger sett is likely to be damaged and disturbed during the groundworks the Ecology Report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the report proposes measures to be taken to exclude Badgers from the sett. These measures are considered acceptable and should be included as part of the licence application.

Enhancement measures for bats, nesting birds, species-rich grassland and tree planting are proposed in the Ecology Report (Turnstone Ecology, May 2017). I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the Ecology Report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The Ecology Report states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate



buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The submitted Pollution Prevention Plan (Berrys, no date given) appears to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are consulted for their views on the PPP.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

The following information is required to inform a Habitats Regulations Test of Likely Significant Effects and also to determine the potential impacts on local watercourses, a Section 7 Priority Habitat.

NRW have issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits for such installations. The Ammonia Modelling report submitted with this application therefore predates this guidance. For SACs, SPAs, Ramsars and SSSI's the screening distance from source is now 5km, the threshold of insignificance % of critical level/load is 1%, while the upper threshold % of critical level/load is 8%. Therefore, the Ammonia Modelling assessment will need to be revised and updated to meet the current NRW OGN 41 guidance requirements prior to determination of planning.

A manure management plan to show the locations for disposal of dirty water collected during the building cleaning process, including suitable buffer distances from watercourses, should be provided for approval prior to determination of planning.

A Site Drainage Plan should be submitted for approval prior to determination of planning; this should indicate the locations of the proposed site drainage and links with any surface watercourses that could be at risk of receiving pollution from the site.

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:

The recommendations regarding bats, nesting birds and reptiles identified in Section 4.3 of the Ecological Report by Turnstone Ecology dated May 2017 shall be adhered to and implemented in full 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 the Environment (Wales) Act 2016.

The mitigation regarding bats, badgers and reptiles in Section 4.3 of the ecological report by Turnstone Ecology dated May 2017 and water pollution identified in Section 9.6 of the

Environmental Statement by Berrys shall be adhered to and implemented in full unless otherwise agreed in writing with 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 the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposals for bat and bird boxes, grassland seeding and tree 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

The Pollution Prevention Plan submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 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 the Environment (Wales) Act 2016.

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.

No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 200m of any watercourse, protected dwelling or SSSI.

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

The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

Reason: To comply with Powys County Council's UDP Policy 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.

Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

Reason: To comply with Powys County Council's UDP Policy 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 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](mailto:enquiries@bats.org.uk)

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

*Consultation response received 12/07/17:*

The proposed scheme is an intensive livestock installation which falls below the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, Schedule 1 (17a) threshold for this type of development of 60,000 places for hens, but exceeds the Schedule 2 threshold of having a floor space area higher than 500m<sup>2</sup> (6750m<sup>2</sup>). Following a screening opinion provided by PCC on 14/12/16 an Environmental Statement has been submitted with the planning application.

A phase 1 habitat survey, protected fauna survey and habitat suitability assessment of the site have been completed and the accompanying report submitted with the application (Turnstone Ecology, May 2017). The Turnstone Ecology report is also summarised in the Environmental Statement submitted with the planning application (Berrys, no date given).

The report generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009) but refers to the NERC Act 2006. However, the Environment (Wales) Act 2016 has now replaced the duty in section 40 of the NERC Act in relation to Wales, with a duty on public authorities to seek to maintain and enhance biodiversity. The Environment (Wales) Act has therefore been referred to when making these observations.

Historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service have also been reviewed to inform these observations.

The ecology report confirms that habitats at the site comprise improved grassland in the northwest and south, trees along the eastern boundary and within gardens to the west, disturbed ground and ruderal vegetation to the north, east and in between the existing buildings and hedgerows to the north, south and west of the existing buildings. The report states that buildings, hardstanding, disturbed ground and areas of improved grassland would be directly affected by the proposals.

The ecology report identifies that the site and adjacent area provides suitable habitat for bats, badger, dormouse, nesting birds, Great Crested Newt and reptiles.

Within 2km of the site there are historical records of otter (within 931m) and various bat species including myotis species, Whiskered, Noctule, Common and Soprano Pipistrelle and Brown Longeared (nearest within 890m), although none from the site itself.

The ecology report confirms that no evidence of bats using the poultry units was observed during the site survey and the buildings do not appear to be suitable for use by roosting bats, being well sealed and lit for long periods. No roosting features were noted in the trees adjacent to the eastern boundary of the site. However, the report concludes that the surrounding trees and hedgerows provide good foraging and commuting opportunities for bats.

The ecology report recommends that, if any bats are observed during the works, works must cease and advice sought before proceeding. Considering the unlikely chance of bats roosting in the buildings this advice is considered appropriate in this case.

Enhancement measures for bats are proposed in Section 4.3.3 of the ecology report in the form of long term roosting provisions on/within the new buildings and/or trees within the site boundary. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The ecology report concludes that most of the site is unsuitable for Dormouse and the boundary hedgerows have very limited suitability due to the lack of food plants and connectivity to surrounding habitat. However, the tree-lined railway corridor to the east of the site is concluded as being suitable for Dormouse. Measures for the protection of hedgerows and trees in accordance with BS5837:2012 are proposed in the ecology report and would ensure no negative impact to Dormice and their habitat. A tree and hedgerow protection plan should therefore be provided for LPA approval prior to commencement of development.

There are no historical records of Great Crested Newt within 2km. The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor outside the site to the east provide suitable habitat for Great Crested Newt. However, the habitat directly affected offers only limited foraging/dispersal opportunity and there are no waterbodies identified within 500m of the site. No negative impacts on Great Crested Newt are therefore predicted.

Within 2km of the site there are historical records of amphibians including Palmate and Smooth Newt (within 579m) and Common Frog (within 927m) and Red Kite (within 673m), although none from the site itself.

The ecology report confirms that two active badger setts are present within the site along with evidence of badger activity and the presence of good foraging habitat.

Since one of the Badger setts is likely to be damaged and disturbed during the groundworks the ecology report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the ecology report (Turnstone Ecology, May 2017) proposes measures to be taken to exclude Badgers from the sett. The other, larger sett would be unaffected by the proposals and there is suitable habitat for a new sett immediately adjacent to the site so a replacement sett is not proposed. These measures are considered acceptable and should be included as part of the licence application. Measures to ensure foraging Badgers do not become trapped during the works are also proposed.

The buildings are considered suitable to support nesting birds, such as House Sparrow and Swallow, while the surrounding hedgerows and trees could support a range of nesting bird species.

The ecology report recommends that site clearance works occur outside of the bird nesting season (March – August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished. The surrounding hedgerows and trees that are to be retained provide suitable bird nesting habitat and recommendations are made to protect these during the works in accordance with BS5837:2012.

As an enhancement measure, the provision of open and hole-fronted bird boxes on buildings and trees within the site is proposed within the ecology report and should include terrace boxes for House Sparrow and access to internal ledges/roof frames for Swallows. I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to development commencing.

The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor to the east are considered suitable to support reptiles. Habitat modification measures to deter reptiles in advance of site clearance are therefore recommended and site clearance of these areas timed for March – October inclusive, when reptiles are likely to be active. Recommendations are also made to avoid storage of site materials from site boundaries to deter reptiles from using them as cover.

In addition to the species already discussed above, within 2km of the site there are historical records of hedgehog (within 530m) and Polecat (within 534m), although none from the site itself.

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.

The Environmental Statement (Berrys, no date given) identifies that water pollution from the site could enter a local watercourse. Rivers are a Section 7 Priority Habitat and measures must therefore be taken to ensure that this watercourse is not negatively affected by pollution from the proposal (please refer to the observations on Protected Sites below). Appendix 5 of

the ES includes a Flood Consequence Assessment and Surface Water Management Plan (Hydro-Logic, April 2017), which states that the nearest watercourse to the site is located approximately 0.3 km north-west of the site, which flows into the River Ithon, approximately 1.2 km north-west of the site. Details are included of proposed surface water management via the installation of two attenuation tanks, which would require regular maintenance to remain effective. The document recommends that outflow should be directed into the existing drainage pit, located in the north-west corner of the site. Flows entering the pit would then be conveyed to the nearby watercourse, located west of the site, by an existing land drain. The conveyance channel would also provide the additional benefit of allowing any particulate matter in the attenuated water to settle out of solution, therefore preventing it reaching the nearby watercourse. The document also suggests that runoff from the proposed impermeable surfaces on site would be conveyed to the attenuation basin using suitable channels and that levels on the site should allow for flows to convey to the attenuation tanks under gravity.

From the planning submission it is not clear how manure from the site will be managed, particularly in the vicinity of watercourses. A Manure Management Plan, including suitable buffer distances from watercourses, should therefore be provided prior to determination of planning.

The ecology report (Turnstone Ecology, May 2017) states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The ecology report also proposes that the botanically poor areas of grassland and ruderal vegetation are enhanced with a mix of native field margin species and grass species, and appropriate management. This would be welcomed as a biodiversity enhancement to the site and a species list should be provided as part of a site biodiversity enhancement plan for LPA approval prior to development commencing.

As another enhancement measure the ecology report proposes planting of trees in the northern and western boundaries of the site to fill in gaps and improve connectivity, and suggests suitable native, broadleaved species for this. This would also enhance the habitat at the site and its connectivity with surrounding habitats for Dormice, commuting/foraging bats, nesting birds and a range of other wildlife. I therefore recommend that the species and planting design are included as part of a biodiversity enhancement plan to be provided for LPA approval prior to development commencing.

The ecology report (Turnstone Ecology, May 2017) confirms that the Afon Gwy SAC is located approximately 0.9km north-west of the proposals. A Report on the Modelling of the Dispersion and Distribution of Ammonia has been completed by AS Modelling (February 2017) using the Environment Agency's standard ammonia emission factors (H1 Annex B – Intensive Farming), which identifies other components of the Afon Gwy SAC within 10km of the farm as well as the Ellenydd Mallaen SAC and SPA.

Please note that NRW have since issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning

Permission, March 2017), which includes changes to the air quality thresholds for environmental permits for such installations. The Ammonia Modelling report therefore predates this guidance.

In their Pre-application Consultation response dated 13th April 2017 however, NRW have reviewed the findings of the Ammonia Report against the previous guidance and confirmed that with regard to the Afon Gwy SAC the process contributions of ammonia from the proposed unit are above 4% which is significant, but not adverse considering the thresholds that they apply in their assessment of potential impacts on SACs. For the Ellenydd Mallaen SAC/SPA NRW were also satisfied that the process contributions of ammonia from this proposed unit are below the thresholds that they apply in their assessment of potential impacts on SPA and SACs.

The Environmental Statement identifies that water pollution from the site could enter the local watercourse and reach the River Ithon SSSI and Afon Gwy SAC. Mitigation for the collection and treatment of dirty water is specified in the ES and involves spreading the dirty water collected from cleaning the buildings onto agricultural land. A manure management plan to show the locations for this, including suitable buffer distances from watercourses, should be provided for approval prior to determination of planning. Appendix 5 of the ES includes a Surface Water Management Plan explaining how surface water from the site would be collected and discharged.

Surface water would be dealt with separately in attenuation tanks before being discharged into a nearby land drain, which ultimately connects with local watercourses.

A Pollution Prevention Plan (Berrys, no date given) has also been submitted with the application. Section 8 of this document states that standard pollution prevention measures will be implemented during the site construction phase. Section 9 of the report details operational pollution risks and controls that would be implemented, which would also include the construction phase. A risk assessment and emergency procedure is also outlined. The PPP appears to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are also consulted for their views on this as part of the site permitting requirements.

From the planning submission it is not clear how manure from the site will be managed, particularly in the vicinity of watercourses, one of which flows into the Afon Gwy SAC. A Manure Management Plan, including suitable buffer distances from watercourses, should therefore be provided prior to determination of planning.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

The ecology report confirms that thirteen SSSI are located within 5km of the proposals with the Ammonia Modelling report including fifteen; the closest being the Neuadd and Tylelo Mires SSSI approximately 900m to the SSW.

Please note that NRW have since issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen



impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits for such installations. The Ammonia Modelling report therefore predates this guidance.

In their Pre-application Consultation response dated 13th April 2017 however, NRW have reviewed the findings of the Ammonia Report against the previous guidance and confirmed that they are satisfied that the process contributions of ammonia from the proposed unit are below the thresholds that they apply in their assessment of potential impacts on SSSIs.

See the observations above regarding the Pollution Prevention Plan and Site Drainage Plan and requirement for a Manure Management Plan.

The Ammonia Modelling report identifies several Ancient Woodlands within 2km of the site, the closest being 210m to the north-west. The Ammonia Modelling report predicts that the site's process contribution to the maximum annual ammonia concentrations and nitrogen and acid deposition rates would be below the EA's lower threshold percentage of Critical Level or Load for these sites, and are therefore deemed insignificant. NRW's new guidance note on ammonia and nitrogen modelling (OGN41) does not include Ancient Woodlands in its scope and the method of assessment of this feature for the Ammonia Modelling report is therefore deemed acceptable.

Recommendations and mitigation measures for bats, nesting birds, badgers and reptiles are provided in the Ecology Report (Turnstone Ecology, May 2017) and Environmental Statement (Berrys, no date given). Relevant conditions relating to these are therefore suggested below.

Since a Badger sett is likely to be damaged and disturbed during the groundworks the Ecology Report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the report proposes measures to be taken to exclude Badgers from the sett. These measures are considered acceptable and should be included as part of the licence application.

Enhancement measures for bats, nesting birds, species-rich grassland and tree planting are proposed in the Ecology Report (Turnstone Ecology, May 2017). I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the Ecology Report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The Ecology Report states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The submitted Pollution Prevention Plan (Berrys, no date given) and Surface Water Management Plan (Hydro-Logic, April 2017) appear to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are consulted for their views on these.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

A Manure Management Plan, including suitable buffer distances from watercourses, is required prior to determination of planning to inform a Habitats Regulations Test of Likely Significant Effects and also to determine the potential impacts on local watercourses, a Section 7 Priority Habitat.

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:

The recommendations regarding bats, nesting birds and reptiles identified in Section 4.3 of the Ecological Report by Turnstone Ecology dated May 2017 shall be adhered to and implemented in full 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 the Environment (Wales) Act 2016.

The mitigation regarding bats, badgers and reptiles in Section 4.3 of the ecological report by Turnstone Ecology dated May 2017 and water pollution identified in Section 9.6 of the Environmental Statement by Berrys shall be adhered to and implemented in full unless otherwise agreed in writing with 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 the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposals for bat and bird boxes, grassland seeding and tree 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

The Pollution Prevention Plan and Surface Water Management Plan submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 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 the Environment (Wales) Act 2016.

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.

No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 200m of any watercourse, protected dwelling or SSSI.

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

The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

Reason: To comply with Powys County Council's UDP Policy 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.

Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

Reason: To comply with Powys County Council's UDP Policy 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 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](mailto:enquiries@bats.org.uk)

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

*Consultation response received 16/08/17:*

The proposed scheme is an intensive livestock installation which falls below the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, Schedule

1 (17a) threshold for this type of development of 60,000 places for hens, but exceeds the Schedule 2 threshold of having a floor space area higher than 500m<sup>2</sup> (6750m<sup>2</sup>). Following a screening opinion provided by PCC on 14/12/16 an Environmental Statement has been submitted with the planning application.

A phase 1 habitat survey, protected fauna survey and habitat suitability assessment of the site have been completed and the accompanying report submitted with the application (Turnstone Ecology, May 2017). The Turnstone Ecology report is also summarised in the Environmental Statement submitted with the planning application (Berrys, no date given).

The report generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009) but refers to the NERC Act 2006. However, the Environment (Wales) Act 2016 has now replaced the duty in section 40 of the NERC Act in relation to Wales, with a duty on public authorities to seek to maintain and enhance biodiversity. The Environment (Wales) Act has therefore been referred to when making these observations.

Historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service have also been reviewed to inform these observations.

The ecology report confirms that habitats at the site comprise improved grassland in the northwest and south, trees along the eastern boundary and within gardens to the west, disturbed ground and ruderal vegetation to the north, east and in between the existing buildings and hedgerows to the north, south and west of the existing buildings. The report states that buildings, hardstanding, disturbed ground and areas of improved grassland would be directly affected by the proposals.

The ecology report identifies that the site and adjacent area provides suitable habitat for bats, badger, dormouse, nesting birds, Great Crested Newt and reptiles.

Within 2km of the site there are historical records of otter (within 931m) and various bat species including myotis species, Whiskered, Noctule, Common and Soprano Pipistrelle and Brown Longeared (nearest within 890m), although none from the site itself.

The ecology report confirms that no evidence of bats using the poultry units was observed during the site survey and the buildings do not appear to be suitable for use by roosting bats, being well sealed and lit for long periods. No roosting features were noted in the trees adjacent to the eastern boundary of the site. However, the report concludes that the surrounding trees and hedgerows provide good foraging and commuting opportunities for bats.

The ecology report recommends that, if any bats are observed during the works, works must cease and advice sought before proceeding. Considering the unlikely chance of bats roosting in the buildings this advice is considered appropriate in this case.

Enhancement measures for bats are proposed in Section 4.3.3 of the ecology report in the form of long term roosting provisions on/within the new buildings and/or trees within the site boundary. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The ecology report concludes that most of the site is unsuitable for Dormouse and the boundary hedgerows have very limited suitability due to the lack of food plants and connectivity to surrounding habitat. However, the tree-lined railway corridor to the east of the site is concluded as being suitable for Dormouse. Measures for the protection of hedgerows and trees in accordance with BS5837:2012 are proposed in the ecology report and would ensure no negative impact to Dormice and their habitat. A tree and hedgerow protection plan should therefore be provided for LPA approval prior to commencement of development.

There are no historical records of Great Crested Newt within 2km. The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor outside the site to the east provide suitable habitat for Great Crested Newt. However, the habitat directly affected offers only limited foraging/dispersal opportunity and there are no waterbodies identified within 500m of the site. No negative impacts on Great Crested Newt are therefore predicted.

Within 2km of the site there are historical records of amphibians including Palmate and Smooth Newt (within 579m) and Common Frog (within 927m) and Red Kite (within 673m), although none from the site itself.

The ecology report confirms that two active badger setts are present within the site along with evidence of badger activity and the presence of good foraging habitat.

Since one of the Badger setts is likely to be damaged and disturbed during the groundworks the ecology report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the ecology report (Turnstone Ecology, May 2017) proposes measures to be taken to exclude Badgers from the sett. The other, larger sett would be unaffected by the proposals and there is suitable habitat for a new sett immediately adjacent to the site so a replacement sett is not proposed. These measures are considered acceptable and should be included as part of the licence application. Measures to ensure foraging Badgers do not become trapped during the works are also proposed.

The buildings are considered suitable to support nesting birds, such as House Sparrow and Swallow, while the surrounding hedgerows and trees could support a range of nesting bird species.

The ecology report recommends that site clearance works occur outside of the bird nesting season (March – August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished. The surrounding hedgerows and trees that are to be retained provide suitable bird nesting habitat and recommendations are made to protect these during the works in accordance with BS5837:2012.

As an enhancement measure, the provision of open and hole-fronted bird boxes on buildings and trees within the site is proposed within the ecology report and should include terrace boxes for House Sparrow and access to internal ledges/roof frames for Swallows. I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to development commencing.

The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor to the east are considered suitable to support reptiles. Habitat modification measures to deter reptiles in advance of site clearance are therefore recommended and site clearance of these areas timed for March – October inclusive, when reptiles are likely to be active. Recommendations are also made to avoid storage of site materials from site boundaries to deter reptiles from using them as cover.

In addition to the species already discussed above, within 2km of the site there are historical records of hedgehog (within 530m) and Polecat (within 534m), although none from the site itself.

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.

The Environmental Statement (Berrys, no date given) identifies that water pollution from the site could enter a local watercourse. Rivers are a Section 7 Priority Habitat and measures must therefore be taken to ensure that this watercourse is not negatively affected by pollution from the proposal (please refer to the observations on Protected Sites below). Appendix 5 of the ES includes a Flood Consequence Assessment and Surface Water Management Plan (Hydro-Logic, April 2017), which states that the nearest watercourse to the site is located approximately 0.3 km north-west of the site, which flows into the River Ithon, approximately 1.2 km north-west of the site. Details are included of proposed surface water management via the installation of two attenuation tanks, which would require regular maintenance to remain effective. The document recommends that outflow should be directed into the existing drainage pit, located in the north-west corner of the site. Flows entering the pit would then be conveyed to the nearby watercourse, located west of the site, by an existing land drain. The conveyance channel would also provide the additional benefit of allowing any particulate matter in the attenuated water to settle out of solution, therefore preventing it reaching the nearby watercourse. The document also suggests that runoff from the proposed impermeable surfaces on site would be conveyed to the attenuation basin using suitable channels and that levels on the site should allow for flows to convey to the attenuation tanks under gravity.

The applicant's agent has confirmed that all the manure will be taken off-site to 3rd party sites as follows: "As stated in the environmental statement it will be the responsibility of the receiving party to ensure that the manure is spread in the appropriate way. At the end of the flock cycle the buildings will be fully cleaned out by specialist contractors. Manure will be loaded into trailers directly inside the doors. The trailers will be sheeted and the litter taken straight off the site for spreading on third party land in appropriate conditions".

“Records will be kept of the names and addresses of receiving farms for the manure and any dirty water. Contingency arrangements will be put in place for emergency scenarios. The receiver of the manure will confirm, by signing a docket, that the litter will be spread on land in accordance with the Code of Good Agricultural Practice and regulations under Natural Resources Wales and the Environment Agency including in accordance with the receiver’s own manure management plan”.

Regardless of the manure being taken to third party sites the respective Manure Management Plans for each site, including suitable buffer distances from watercourses, should be provided prior to determination of planning. This will provide the reassurance required that the receiving sites are suitable for disposal of manure and that suitable buffer distances from nearby watercourses are identified.

The ecology report (Turnstone Ecology, May 2017) states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The ecology report also proposes that the botanically poor areas of grassland and ruderal vegetation are enhanced with a mix of native field margin species and grass species, and appropriate management. This would be welcomed as a biodiversity enhancement to the site and a species list should be provided as part of a site biodiversity enhancement plan for LPA approval prior to development commencing.

As another enhancement measure the ecology report proposes planting of trees in the northern and western boundaries of the site to fill in gaps and improve connectivity, and suggests suitable native, broadleaved species for this. This would also enhance the habitat at the site and its connectivity with surrounding habitats for Dormice, commuting/foraging bats, nesting birds and a range of other wildlife. I therefore recommend that the species and planting design are included as part of a biodiversity enhancement plan to be provided for LPA approval prior to development commencing.

The ecology report (Turnstone Ecology, May 2017) confirms that the Afon Gwy SAC is located approximately 0.9km north-west of the proposals. A Report on the Modelling of the Dispersion and Distribution of Ammonia has been completed by AS Modelling (February 2017) using the Environment Agency’s standard ammonia emission factors (H1 Annex B – Intensive Farming), which identifies other components of the Afon Gwy SAC within 10km of the farm as well as the Ellenydd Mallaen SAC and SPA.

Please note that NRW have since issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits for such installations. The Ammonia Modelling report therefore predates this guidance.

In their Pre-application Consultation response dated 13th April 2017 however, NRW have reviewed the findings of the Ammonia Report against the previous guidance and confirmed that with regard to the Afon Gwy SAC the process contributions of ammonia from the



proposed unit are above 4% which is significant, but not adverse considering the thresholds that they apply in their assessment of potential impacts on SACs. For the Ellenydd Mallaen SAC/SPA NRW were also satisfied that the process contributions of ammonia from this proposed unit are below the thresholds that they apply in their assessment of potential impacts on SPA and SACs.

The Environmental Statement identifies that water pollution from the site could enter the local watercourse and reach the River Ithon SSSI and Afon Gwy SAC. Mitigation for the collection and treatment of dirty water is specified in the ES and involves spreading the dirty water collected from cleaning the buildings onto agricultural land. A manure management plan to show the locations for this, including suitable buffer distances from watercourses, should be provided for approval prior to determination of planning. Appendix 5 of the ES includes a Surface Water Management Plan explaining how surface water from the site would be collected and discharged. Surface water would be dealt with separately in attenuation tanks before being discharged into a nearby land drain, which ultimately connects with local watercourses.

A Pollution Prevention Plan (Berrys, no date given) has also been submitted with the application. Section 8 of this document states that standard pollution prevention measures will be implemented during the site construction phase. Section 9 of the report details operational pollution risks and controls that would be implemented, which would also include the construction phase. A risk assessment and emergency procedure is also outlined. The PPP appears to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are also consulted for their views on this as part of the site permitting requirements.

The applicant's agent has confirmed that all the manure will be taken off-site to 3rd party sites, as discussed within the Section 7 Habitats and Species section. Regardless of the manure being taken to third party sites the respective Manure Management Plans for each site, including suitable buffer distances from watercourses, should be provided prior to determination of planning. This will provide the reassurance required that the receiving sites are suitable for disposal of manure and that suitable buffer distances from nearby watercourses are identified.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

The ecology report confirms that thirteen SSSI are located within 5km of the proposals with the Ammonia Modelling report including fifteen; the closest being the Neuadd and Tylelo Mires SSSI approximately 900m to the SSW.

Please note that NRW have since issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits for such installations. The Ammonia Modelling report therefore predates this guidance.

In their Pre-application Consultation response dated 13th April 2017 however, NRW have reviewed the findings of the Ammonia Report against the previous guidance and confirmed that they are satisfied that the process contributions of ammonia from the proposed unit are below the thresholds that they apply in their assessment of potential impacts on SSSIs.

See the observations above regarding the Pollution Prevention Plan and Site Drainage Plan and requirement for Manure Management Plans from the receiving sites.

The Ammonia Modelling report identifies several Ancient Woodlands within 2km of the site, the closest being 210m to the north-west. The Ammonia Modelling report predicts that the site's process contribution to the maximum annual ammonia concentrations and nitrogen and acid deposition rates would be below the EA's lower threshold percentage of Critical Level or Load for these sites, and are therefore deemed insignificant. NRW's new guidance note on ammonia and nitrogen modelling (OGN41) does not include Ancient Woodlands in its scope and the method of assessment of this feature for the Ammonia Modelling report is therefore deemed acceptable.

Recommendations and mitigation measures for bats, nesting birds, badgers and reptiles are provided in the Ecology Report (Turnstone Ecology, May 2017) and Environmental Statement (Berrys, no date given). Relevant conditions relating to these are therefore suggested below.

Since a Badger sett is likely to be damaged and disturbed during the groundworks the Ecology Report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the report proposes measures to be taken to exclude Badgers from the sett. These measures are considered acceptable and should be included as part of the licence application.

Enhancement measures for bats, nesting birds, species-rich grassland and tree planting are proposed in the Ecology Report (Turnstone Ecology, May 2017). I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the Ecology Report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The Ecology Report states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The submitted Pollution Prevention Plan (Berrys, no date given) and Surface Water Management Plan (Hydro-Logic, April 2017) appear to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are consulted for their views on these.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

Regardless of the manure being taken to third party sites the respective Manure Management Plans for each site, including suitable buffer distances from watercourses, should be provided prior to determination of planning. This will provide the reassurance required that the receiving sites are suitable for disposal of manure and that suitable buffer distances from nearby watercourses are identified. The information will also be required to inform a Habitats Regulations Test of Likely Significant Effects and to determine the potential impacts on local watercourses, a Section 7 Priority Habitat.

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:

The recommendations regarding bats, nesting birds and reptiles identified in Section 4.3 of the Ecological Report by Turnstone Ecology dated May 2017 shall be adhered to and implemented in full 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 the Environment (Wales) Act 2016.

The mitigation regarding bats, badgers and reptiles in Section 4.3 of the ecological report by Turnstone Ecology dated May 2017 and water pollution identified in Section 9.6 of the Environmental Statement by Berrys shall be adhered to and implemented in full unless otherwise agreed in writing with 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 the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposals for bat and bird boxes, grassland seeding and tree 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

The Pollution Prevention Plan and Surface Water Management Plan submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 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 the Environment (Wales) Act 2016.

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.

No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 200m of any watercourse, protected dwelling or SSSI.

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

The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

Reason: To comply with Powys County Council's UDP Policy 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.

Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

Reason: To comply with Powys County Council's UDP Policy 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.

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](mailto:enquiries@bats.org.uk)

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

*Consultation response received 30/08/2017:*

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning. To inform such a test we would need to see a manure management plan regardless of whether the manure is being spread at the

application site or elsewhere. The respective Manure Management Plans for each site, including suitable buffer distances from watercourses, should therefore be provided prior to determination of planning.

*Consultation response received 13/09/2017:*

The proposed scheme is an intensive livestock installation which falls below the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, Schedule 1 (17a) threshold for this type of development of 60,000 places for hens, but exceeds the Schedule 2 threshold of having a floor space area higher than 500m<sup>2</sup> (6750m<sup>2</sup>). Following a screening opinion provided by PCC on 14/12/16 an Environmental Statement has been submitted with the planning application.

A phase 1 habitat survey, protected fauna survey and habitat suitability assessment of the site have been completed and the accompanying report submitted with the application (Turnstone Ecology, May 2017). The Turnstone Ecology report is also summarised in the Environmental Statement submitted with the planning application (Berrys, no date given).

The report generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009) but refers to the NERC Act 2006. However, the Environment (Wales) Act 2016 has now replaced the duty in section 40 of the NERC Act in relation to Wales, with a duty on public authorities to seek to maintain and enhance biodiversity. The Environment (Wales) Act has therefore been referred to when making these observations.

Historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service have also been reviewed to inform these observations.

The ecology report confirms that habitats at the site comprise improved grassland in the northwest and south, trees along the eastern boundary and within gardens to the west, disturbed ground and ruderal vegetation to the north, east and in between the existing buildings and hedgerows to the north, south and west of the existing buildings. The report states that buildings, hardstanding, disturbed ground and areas of improved grassland would be directly affected by the proposals.

The ecology report identifies that the site and adjacent area provides suitable habitat for bats, badger, dormouse, nesting birds, Great Crested Newt and reptiles.

Within 2km of the site there are historical records of otter (within 931m) and various bat species including myotis species, Whiskered, Noctule, Common and Soprano Pipistrelle and Brown Longeared (nearest within 890m), although none from the site itself.

The ecology report confirms that no evidence of bats using the poultry units was observed during the site survey and the buildings do not appear to be suitable for use by roosting bats, being well sealed and lit for long periods. No roosting features were noted in the trees adjacent to the eastern boundary of the site. However, the report concludes that the surrounding trees and hedgerows provide good foraging and commuting opportunities for bats.

The ecology report recommends that, if any bats are observed during the works, works must

cease and advice sought before proceeding. Considering the unlikely chance of bats roosting in the buildings this advice is considered appropriate in this case.

Enhancement measures for bats are proposed in Section 4.3.3 of the ecology report in the form of long term roosting provisions on/within the new buildings and/or trees within the site boundary. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The ecology report concludes that most of the site is unsuitable for Dormouse and the boundary hedgerows have very limited suitability due to the lack of food plants and connectivity to surrounding habitat. However, the tree-lined railway corridor to the east of the site is concluded as being suitable for Dormouse. Measures for the protection of hedgerows and trees in accordance with BS5837:2012 are proposed in the ecology report and would ensure no negative impact to Dormice and their habitat. A tree and hedgerow protection plan should therefore be provided for LPA approval prior to commencement of development.

There are no historical records of Great Crested Newt within 2km. The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor outside the site to the east provide suitable habitat for Great Crested Newt. However, the habitat directly affected offers only limited foraging/dispersal opportunity and there are no waterbodies identified within 500m of the site. No negative impacts on Great Crested Newt are therefore predicted.

Within 2km of the site there are historical records of amphibians including Palmate and Smooth Newt (within 579m) and Common Frog (within 927m) and Red Kite (within 673m), although none from the site itself.

The ecology report confirms that two active badger setts are present within the site along with evidence of badger activity and the presence of good foraging habitat.

Since one of the Badger setts is likely to be damaged and disturbed during the groundworks the ecology report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the ecology report (Turnstone Ecology, May 2017) proposes measures to be taken to exclude Badgers from the sett. The other, larger sett would be unaffected by the proposals and there is suitable habitat for a new sett immediately adjacent to the site so a replacement sett is not proposed. These measures are considered acceptable and should be included as part of the licence application. Measures to ensure foraging Badgers do not become trapped during the works are also proposed.

The buildings are considered suitable to support nesting birds, such as House Sparrow and Swallow, while the surrounding hedgerows and trees could support a range of nesting bird species.

The ecology report recommends that site clearance works occur outside of the bird nesting season (March – August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished. The surrounding hedgerows and trees that are to be retained provide suitable bird nesting habitat and recommendations are made to protect these during the works in accordance with BS5837:2012.

As an enhancement measure, the provision of open and hole-fronted bird boxes on buildings and trees within the site is proposed within the ecology report and should include terrace boxes for House Sparrow and access to internal ledges/roof frames for Swallows. I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to development commencing.

The ecology report concludes that the dense ruderal vegetation and rubble piles in the north and east of the site and tree-lined railway corridor to the east are considered suitable to support reptiles. Habitat modification measures to deter reptiles in advance of site clearance are therefore recommended and site clearance of these areas timed for March – October inclusive, when reptiles are likely to be active. Recommendations are also made to avoid storage of site materials from site boundaries to deter reptiles from using them as cover.

In addition to the species already discussed above, within 2km of the site there are historical records of hedgehog (within 530m) and Polecat (within 534m), although none from the site itself.

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.

The Environmental Statement (Berrys, no date given) identifies that water pollution from the site could enter a local watercourse. Rivers are a Section 7 Priority Habitat and measures must therefore be taken to ensure that this watercourse is not negatively affected by pollution from the proposal (please refer to the observations on Protected Sites below). Appendix 5 of the ES includes a Flood Consequence Assessment and Surface Water Management Plan (Hydro-Logic, April 2017), which states that the nearest watercourse to the site is located approximately 0.3 km north-west of the site, which flows into the River Ithon, approximately 1.2 km north-west of the site. Details are included of proposed surface water management via the installation of two attenuation tanks, which would require regular maintenance to remain effective. The document recommends that outflow should be directed into the existing drainage pit, located in the north-west corner of the site. Flows entering the pit would then be conveyed to the nearby watercourse, located west of the site, by an existing land drain. The conveyance channel would also provide the additional benefit of allowing any particulate matter in the attenuated water to settle out of solution, therefore preventing it reaching the nearby watercourse. The document also suggests that runoff from the proposed impermeable surfaces on site would be conveyed to the attenuation basin using suitable channels and that levels on the site should allow for flows to convey to the attenuation tanks under gravity.



The applicant's agent has confirmed that all the manure will be taken off-site to 3rd party sites as follows: "As stated in the environmental statement it will be the responsibility of the receiving party to ensure that the manure is spread in the appropriate way. At the end of the flock cycle the buildings will be fully cleaned out by specialist contractors. Manure will be loaded into trailers directly inside the doors. The trailers will be sheeted and the litter taken straight off the site for spreading on third party land in appropriate conditions".

"Records will be kept of the names and addresses of receiving farms for the manure and any dirty water. Contingency arrangements will be put in place for emergency scenarios. The receiver of the manure will confirm, by signing a docket, that the litter will be spread on land in accordance with the Code of Good Agricultural Practice and regulations under Natural Resources Wales and the Environment Agency including in accordance with the receiver's own manure management plan".

On this basis it has to be reasonably assumed that the receiving sites would be suitable for disposal of manure, effective control measures would be applied and that suitable buffer distances from nearby watercourses would be identified.

The ecology report (Turnstone Ecology, May 2017) states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The ecology report also proposes that the botanically poor areas of grassland and ruderal vegetation are enhanced with a mix of native field margin species and grass species, and appropriate management. This would be welcomed as a biodiversity enhancement to the site and a species list should be provided as part of a site biodiversity enhancement plan for LPA approval prior to development commencing.

As another enhancement measure the ecology report proposes planting of trees in the northern and western boundaries of the site to fill in gaps and improve connectivity, and suggests suitable native, broadleaved species for this. This would also enhance the habitat at the site and its connectivity with surrounding habitats for Dormice, commuting/foraging bats, nesting birds and a range of other wildlife. I therefore recommend that the species and planting design are included as part of a biodiversity enhancement plan to be provided for LPA approval prior to development commencing.

The ecology report (Turnstone Ecology, May 2017) confirms that the Afon Gwy SAC is located approximately 0.9km north-west of the proposals. A Report on the Modelling of the Dispersion and Distribution of Ammonia has been completed by AS Modelling (February 2017) using the Environment Agency's standard ammonia emission factors (H1 Annex B – Intensive Farming), which identifies other components of the Afon Gwy SAC within 10km of the farm as well as the Ellenydd Mallaen SAC and SPA.

Please note that NRW have since issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for

environmental permits for such installations. The Ammonia Modelling report therefore predates this guidance.

In their Pre-application Consultation response dated 13th April 2017 however, NRW have reviewed the findings of the Ammonia Report against the previous guidance and confirmed that with regard to the Afon Gwy SAC the process contributions of ammonia from the proposed unit are above 4% which is significant, but not adverse considering the thresholds that they apply in their assessment of potential impacts on SACs. For the Ellenydd Mallaen SAC/SPA NRW were also satisfied that the process contributions of ammonia from this proposed unit are below the thresholds that they apply in their assessment of potential impacts on SPA and SACs.

The Environmental Statement identifies that water pollution from the site could enter the local watercourse and reach the River Ithon SSSI and Afon Gwy SAC. Mitigation for the collection and treatment of dirty water is specified in the ES and involves spreading the dirty water collected from cleaning the buildings onto agricultural land. A manure management plan to show the locations for this, including suitable buffer distances from watercourses, should be provided for approval prior to determination of planning. Appendix 5 of the ES includes a Surface Water Management Plan explaining how surface water from the site would be collected and discharged. Surface water would be dealt with separately in attenuation tanks before being discharged into a nearby land drain, which ultimately connects with local watercourses.

A Pollution Prevention Plan (Berrys, no date given) has also been submitted with the application. Section 8 of this document states that standard pollution prevention measures will be implemented during the site construction phase. Section 9 of the report details operational pollution risks and controls that would be implemented, which would also include the construction phase. A risk assessment and emergency procedure is also outlined. The PPP appears to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are also consulted for their views on this as part of the site permitting requirements.

The applicant's agent has confirmed that all the manure will be taken off-site to 3rd party sites, as discussed within the Section 7 Habitats and Species section. On this basis it has to be reasonably assumed that the receiving sites would be suitable for disposal of manure, effective control measures would be applied and that suitable buffer distances from nearby watercourses would be identified.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

The ecology report confirms that thirteen SSSI are located within 5km of the proposals with the Ammonia Modelling report including fifteen; the closest being the Neuadd and Tylelo Mires SSSI approximately 900m to the SSW.

Please note that NRW have since issued new guidance for assessing proposals for intensive livestock units (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning

Permission, March 2017), which includes changes to the air quality thresholds for environmental permits for such installations. The Ammonia Modelling report therefore predates this guidance.

In their Pre-application Consultation response dated 13th April 2017 however, NRW have reviewed the findings of the Ammonia Report against the previous guidance and confirmed that they are satisfied that the process contributions of ammonia from the proposed unit are below the thresholds that they apply in their assessment of potential impacts on SSSIs.

See the observations above regarding the Pollution Prevention Plan and Site Drainage Plan and commitments for managing manure responsibly in accordance with current guidance and legislation.

The Ammonia Modelling report identifies several Ancient Woodlands within 2km of the site, the closest being 210m to the north-west. The Ammonia Modelling report predicts that the site's process contribution to the maximum annual ammonia concentrations and nitrogen and acid deposition rates would be below the EA's lower threshold percentage of Critical Level or Load for these sites, and are therefore deemed insignificant. NRW's new guidance note on ammonia and nitrogen modelling (OGN41) does not include Ancient Woodlands in its scope and the method of assessment of this feature for the Ammonia Modelling report is therefore deemed acceptable.

Recommendations and mitigation measures for bats, nesting birds, badgers and reptiles are provided in the Ecology Report (Turnstone Ecology, May 2017) and Environmental Statement (Berrys, no date given). Relevant conditions relating to these are therefore suggested below.

Since a Badger sett is likely to be damaged and disturbed during the groundworks the Ecology Report recommends that a development licence is obtained from NRW to exclude the sett prior to commencing with the works within 30m. Section 4.3.2 of the report proposes measures to be taken to exclude Badgers from the sett. These measures are considered acceptable and should be included as part of the licence application.

Enhancement measures for bats, nesting birds, species-rich grassland and tree planting are proposed in the Ecology Report (Turnstone Ecology, May 2017). I also recommend that nest cups for House Martins, a Powys LBAP Species of Conservation Concern, are incorporated onto the outside of the buildings. Such measures should be included within a site biodiversity enhancement plan to be submitted to the LPA for approval prior to commencement of development.

Section 4.3.3 of the Ecology Report also alludes to a sensitive lighting plan that will be produced in accordance with the Bat Conservation Trust's Bats and Lighting in the UK (2009) guidance to ensure that disturbance to commuting/foraging bats is avoided. The lighting plan will need to be submitted for LPA approval prior to commencement of development.

The Ecology Report states that the roots of existing and retained boundary hedgerows and trees should be protected during the groundworks in accordance with BS5837:2012. I therefore recommend that a hedgerow and tree protection plan including an appropriate buffer is prepared in accordance with BS5837:2012 and provided for LPA approval prior to commencement of development.

The submitted Pollution Prevention Plan (Berrys, no date given) and Surface Water Management Plan (Hydro-Logic, April 2017) appear to be comprehensive and acceptable provided that the measures outlined are implemented. However, I recommend that NRW are consulted for their views on these.

Considering the potential for significant effects to the Afon Gwy SAC as a result of air and water pollution discussed above a Habitats Regulations Test of Likely Significant Effects should be completed by the LPA for this site, in accordance with the Conservation of Species and Habitats Regulations, prior to determination of planning.

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:

The recommendations regarding bats, nesting birds and reptiles identified in Section 4.3 of the Ecological Report by Turnstone Ecology dated May 2017 shall be adhered to and implemented in full 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 the Environment (Wales) Act 2016.

The mitigation regarding bats, badgers and reptiles in Section 4.3 of the ecological report by Turnstone Ecology dated May 2017 and water pollution identified in Section 9.6 of the Environmental Statement by Berrys shall be adhered to and implemented in full unless otherwise agreed in writing with 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 the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposals for bat and bird boxes, grassland seeding and tree 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

The Pollution Prevention Plan and Surface Water Management Plan submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 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 the Environment (Wales) Act 2016.

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.

No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.

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

The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

Reason: To comply with Powys County Council's UDP Policy 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.

Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

Reason: To comply with Powys County Council's UDP Policy 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.

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](mailto:enquiries@bats.org.uk)

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

*Consultation response received 13/10/17:*

Habitats Regulations Assessment Screening Report:

The River Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive *Ranunculus* beds. There is a varied water-crowfoot *Ranunculus* flora; stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans* is abundant, with other *Ranunculus* species – including the uncommon river water-crowfoot *R.*

fluitans – found locally. Other species characteristic of sub-type 2 include flowering-rush *Butomus umbellatus*, lesser water-parsnip *Berula erecta* and curled pondweed *Potamogeton crispus*. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen *Collema dichotum*. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.

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

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

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

- Transition mires and quaking bogs

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

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

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

- Allis shad

Vulnerability:

- Water quality impacts arising from changing agricultural land-use within the catchment are having direct and indirect effects on the SAC interests through effects of diffuse pollution such as nutrient run-off and increased siltation. The Countryside Council for Wales and Natural England are seeking to address such issues through improved targeting of existing and new agri-environment schemes and through improvements in compliance with agricultural Codes of Practice.

- Water quality is also affected by synthetic pyrethroid sheep-dips and by point-source discharges within the catchment. The impact of sewage treatment works on the SAC is being addressed through the Asset Management Plan process and review under the Habitats Regulations. Loss of riparian habitat is occurring as a result of changes in agricultural land-use practices and other factors, including riverside development and the loss of alder tree-cover through disease. These impacts and concerns over water quality will be identified and actions recommended within the joint The Countryside Council for Wales/Natural England Environment Agency conservation strategy for the river.

- Fishing activities are implicated in the decline of the salmon; initiatives such as the Wye Salmon Action Plan will help to address this issue.

- There is increasing demand for abstraction from the river for agriculture and potable water. The impact of this is still being investigated by the Environment Agency, but maintenance of water levels and flow will be addressed under the review of consents under the Habitats Regulations.

- Demand for increased recreational activities is a source of potential concern for the future. Regularisation of the functions of the competent authorities, currently being sought, should reduce the risk of damage to the SAC as a result of developments for such activities.
- Fish stocking can adversely affect population dynamics through competition, predation and alteration of population genetics and introduction of disease.
- Acoustic barriers (noise/vibration) – Shad and salmon can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works (piling, drilling)
- Artificial barriers restricting migration of allis and twaite shad.

#### Assessment Criteria

Construction activities at the site and the operational use of the site have potential to result in the release of materials which could result in pollution of the River Wye SAC. Improper management of manure produced from the development has potential to affect the River Wye SAC through release of nutrients including phosphates.

The proposal involves demolishing 5 existing poultry units and erecting 2 replacement poultry units, which will house a maximum of 56,000 birds per cycle for the rearing of broiler breeder birds. The total floor space will be 6,700m<sup>2</sup>.

No land take is required from the River Wye SAC for this proposal.

The proposal is located approximately 0.9km south-east of the River Wye SAC. The nearest watercourse to the site is located approximately 0.3 km north-west, which flows into the River Ithon approximately 1.2 km north-west of the site.

There will be no resources taken from the River Wye SAC.

Construction activities have the potential to release materials that, if not properly managed, could enter the River Wye SAC including sediments and fuel from machinery used.

Improper management of manure and waste water produced by the unit could result in nutrients entering the River Wye SAC catchment which could affect water quality and negatively affect sensitive vegetation communities and associated features of the River Wye SAC.

Ammonia and nitrogen emissions generated by the proposed development have potential to affect habitats and their associated flora.

There will be no excavation requirements within the River Wye SAC.

Excavations will be required to construct the new buildings; these will be located approximately 0.9km from the River Wye SAC.

There will be no transportation requirements from the River Wye SAC.

Transportation of materials to the site is not expected to have a significant impact on the River Wye SAC.



Construction is likely to commence once planning permission has been granted.

The construction phase of the development has not been defined.

It is anticipated that operation of the development will continue for the lifetime of the site.

The proposed development will not result in a reduction in the habitat area of the River Wye SAC.

The proposed development is located approximately 0.9km from the River Wye SAC.

The habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.

The proposed development is located approximately 0.9km from the River Wye SAC.

The habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through habitat or species fragmentation for the qualifying features of the River Wye SAC.

The proposed development is located approximately 0.9km from the River Wye SAC.

The habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through reduction in species density for the qualifying features of the River Wye SAC.

The proposed development is located approximately 0.9km from the River Wye SAC.

The following information has been provided with the application:

Ecological Appraisal Report by Turnstone Ecology dated May 2017.

Environmental Statement by Berrys (no date given).

A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pullet Rearing Houses, prepared by AS Modelling & Data Ltd dated 7th February 2017.

Pollution Prevention Plan by Berrys (no date given).

Surface Water Management Plan by Hydro-Logic dated April 2017.

Section 8 of the Pollution Prevention Plan states that standard pollution prevention measures will be implemented during the site construction phase based on industry best practice and the EA's PPGs. Section 9 of the report details operational pollution risks and controls that would be implemented, which would also include the construction phase. A risk assessment and emergency procedure is also outlined.

Mitigation for the collection and treatment of dirty water is specified in the ES and involves spreading the dirty water collected from cleaning the buildings onto agricultural land. Appendix 5 of the ES includes a Surface Water Management Plan explaining how surface water from the site would be collected and discharged. Surface water would be dealt with separately in attenuation tanks before being discharged into a nearby land drain, which ultimately connects with local watercourses.

Details are also included in the ES of proposed surface water management via the installation of two attenuation tanks, which would require regular maintenance to remain effective. The ES recommends that outflow should be directed into the existing drainage pit, located in the north-west corner of the site. Flows entering the pit would then be conveyed to the nearby watercourse, located west of the site, by an existing land drain. The conveyance channel would also provide the additional benefit of allowing any particulate matter in the attenuated water to settle out of solution, therefore preventing it reaching the nearby watercourse. The ES also suggests that runoff from the proposed impermeable surfaces on site would be conveyed to the attenuation basin using suitable channels and that levels on the site should allow for flows to convey to the attenuation tanks under gravity.

Implementation of these measures will ensure prevention of pollution of nearby watercourses which in turn will prevent pollution of the River Wye and provide protection of the key indicator of Water Quality of the River Wye SAC.

In their Pre-application Consultation response dated 13th April 2017, NRW reviewed the findings of the Ammonia Report and confirmed that, with regard to the River Wye SAC, the process contributions of ammonia from the proposed unit are above 4% which is significant but not adverse considering the thresholds that they apply in their assessment of potential impacts on SACs.

The ES confirms that all the manure will be taken off-site to 3rd party sites as follows: "it will be the responsibility of the receiving party to ensure that the manure is spread in the appropriate way. At the end of the flock cycle the buildings will be fully cleaned out by specialist contractors. Manure will be loaded into trailers directly inside the doors. The trailers will be sheeted and the litter taken straight off the site for spreading on third party land in appropriate conditions".

"Records will be kept of the names and addresses of receiving farms for the manure and any dirty water. Contingency arrangements will be put in place for emergency scenarios. The receiver of the manure will confirm, by signing a docket, that the litter will be spread on land in accordance with the Code of Good Agricultural Practice and regulations under Natural Resources Wales and the Environment Agency including in accordance with the receiver's own manure management plan".

It is therefore considered that the development will not result in significant negative impacts to key indicators i.e. water quality of the River Wye SAC.

No changes to the River Wye SAC are considered likely from the proposed development as a result of climate change.

#### Welsh Government Planning Division

No response received at the time of writing this report.

#### NRW Ecology

Thank you for your consultation received on 21st June 2017. We have previously commented on this case on 21st February 2017 SC/2017/0001 CAS-28690-Z3B4 LPA scoping opinion consultation and 13th April 2017 Maj Pre-app CAS-30380-K7K7 Major Pre-app response.

In the Major pre-app response we advised that we required a site drainage plan, a pollution prevention plan and confirmation of manure export arrangements. We stated that we would provide further comment when we received the ecological report and noted that a drainage and flood assessment was under preparation.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

#### Summary of Requirements and Conditions

Requirement 1: Confirmation of manure export arrangements and contingency

Requirement 2: Correction and clarification regarding the site pollution prevention and an incident plan specific to the construction stages.

Condition 1: A Lighting Plan should be submitted that is suitable to prevent light spillage in dark woodland river corridors that could be used by bats.

#### Manure

Requirement 1: Confirmation of manure export arrangements and contingency

Reason: Manure export and spreading is not covered by the permit.

At pre-app stage we understood that all manure was to be exported and therefore a manure management plan would not be required although we did request confirmation of manure export arrangements.

Page 10 of the environmental statement states that 'records will be kept of the names and addresses of receiving farms for the manure and any dirty water. Contingency arrangements will be put in place for emergency scenarios. The receiver of the manure will confirm, by signing a docket, that the litter will be spread on land in accordance with the code of good agricultural practice'. Page 24 of the ES states that is no storage of used litter outside the house at any one time, therefore it is not clear what contingency measures will be in place.

We require confirmation of manure export arrangements and contingency as there is insufficient explanation in the environmental statement.

#### Pollution Prevention Plan

Requirement 2: Correction and clarification regarding the site pollution prevention and an incident plan specific to the construction stages.

Reason: To confirm that appropriate pollution prevention measures will be in place at all stages.

The existing use of the site as an intensive poultry unit indicates that land contamination could be present. The requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed. The site is located on a Secondary B aquifer.

The Pollution Prevention Plan is satisfactory in its consideration of the operational phase of the development. Section 8 states that 'relevant procedures will be adhered to during construction' 'and a site pollution prevention and incident plan specific to the construction stages will be implemented in all phases'.

The 'site pollution prevention and incident plan specific to the construction stages' does not appear to have been submitted and the Pollution Prevention Plan refers to out of date guidance. 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/>

Should any contaminated water or materials enter or pollute the watercourse or groundwater is the incident must be notified to NRW Tel: 03000 65 3000.

We note that existing farm buildings are to be demolished. Any slurry must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil)(Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice (CoGAP).

Any waste excavation material or building waste generated in the course of the development and necessary demolition must be recovered/ disposed of satisfactorily in accordance with the Duty of Care requirements under Section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites in accordance with the Environmental Permitting Regulations 2016. Transfer notes shall be kept for each load for a minimum of 2 years.

Wherever practical the quantity of waste arising from demolition works should be reduced. In this regard the developers should consider the reuse of existing material within the proposed development site. This will reduce the potential impact on existing landfill facilities.

#### Drainage and Surface Water

We previously requested a site drainage plan and a pollution prevention plan as the details submitted at pre-app stage did not have sufficient clarity. The water quality concerns within the site boundaries have been addressed through the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016.

We have considered the Flood Consequence Assessment and Surface Water Management Plan (FCA&SWMP) (RefL0061/1 April 2017) by Hydrologic Services. The Environmental Statement includes a site drainage plan on page 46 and there is further information on figure 11, 12 and 13 in the FCA&SWMP. The plans show the position of conveyance channels to attenuation tanks with hydrobrakes and the outflow to a watercourse.

We advise that for ease of maintenance and to limit the possibility of pollution incident in the event of equipment failure, suitably designed natural ponds and swales would be preferable to hydrobrakes and attenuation tanks. We would prefer a drainage system that is not reliant on machinery and concrete structures, however the current submissions demonstrate that appropriate pollution prevention measures are in place for the operational phase 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)

Protected Species

We have considered chapter 9 of the ES and the Ecological Appraisal by Turnstone Ecology May 2017 Rev01.

- Bats

Condition 1: A Lighting Plan should be submitted that is suitable to prevent light spillage in dark woodland river corridors that could be used by bats.

Reason: The Environmental Statement states on page 38 that a lighting plan will be produced but this does not appear to have been included in the planning submissions

Bats their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. As there are woodland corridors and watercourses that could be used by commuting and foraging areas for bats, a lighting plan should be submitted to the LPA.

- Badgers

Badgers and their setts are protected under the Protection of Badgers Act 1992 and NRW are the licensing authority under the act. A license allows certain activities to be carried out that would otherwise be illegal under the law. As there are badger setts in the vicinity of the proposal the applicant will need to apply to NRW for the appropriate license. Further information may be found at <http://naturalresourceswales.gov.uk/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>

## Environmental Permitting

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

The description of the proposed development states that five existing poultry sheds at an existing intensive poultry unit will be demolished and that they will be replaced by two larger sheds with a total floor space 5,260m<sup>2</sup>. This will increase bird numbers at the poultry unit from 33,000 birds per cycle to a maximum of 44,000 birds per cycle which is above the threshold for permitting.

The EPR permit EPR/AB3498HW agreed on 3rd July 2017 2014 has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016.

NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the permit application was received on 7th February 2017.

The permit covers addresses any concerns that NRW may have regarding air quality, protected sites, abstractions and discharges.

## Foul Drainage

We note that there will be a package treatment plant for foul drainage from the existing dwellings and proposed latrines and showers.

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.

Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

All wash water and manures arising from poultry units must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil)(Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice .

#### Scope of NRW Comments

Our comments 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. Any site owner/developer 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.

#### *Consultation response received 13/10/2017:*

Full: Redevelopment of site, including the demolition of 5 poultry units, and the erection of 2 replacement poultry units and all associated works Gaufron Farm Howey, Llandrindod Wells, Powys, LD1 5RG

We have previously commented on this case on 21st February 2017 SC/2017/0001 CAS-28690-Z3B4 LPA scoping opinion consultation and 13th April 2017 Maj Pre-app CAS-30380-K7K7 Major Pre-app response and advice to the developer on 18th July 2017 CAS-35101-T0D0.

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: A Lighting Plan should be submitted that is suitable to prevent light spillage in dark woodland river corridors that could be used by bats.

Condition 2: To prevent pollution to watercourses during the construction and operational phases of the proposal the development shall be carried out in accordance with the;

- i) Pollution Prevention Plan received on 16th August 2017
- ii) Flood Consequence Assessment and Surface Water Management Plan Report L0061/1 April 2017.

#### Protected Species

We have considered chapter 9 of the ES and the Ecological Appraisal by Turnstone Ecology May 2017 Rev01.

#### • Bats

Condition 1: A Lighting Plan should be submitted that is suitable to prevent light spillage in dark woodland river corridors that could be used by bats.

Reason: The Environmental Statement states on page 38 that a lighting plan will be produced but this does not appear to have been included in the planning submissions

Bats their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. As there are woodland corridors and watercourses that could be used by commuting and foraging areas for bats, a lighting plan should be submitted to the LPA.

- Badgers

Badgers and their setts are protected under the Protection of Badgers Act 1992 and NRW are the licensing authority under the act. A license allows certain activities to be carried out that would otherwise be illegal under the law. As there are badger sets in the vicinity of the proposal the applicant will need to apply to NRW for the appropriate license. Further information may be found at <http://naturalresourceswales.gov.uk/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>

#### Manure

The Requirements as of our response 18/07/17 CAS-35101-T0D0 have been met as follows;

Requirement 1: Confirmation of manure export arrangements and contingency.

From the email received on 16th August we understand that all manure is to be taken off site per long standing arrangements as the existing poultry unit has been operating for more than 40 years. The contingency arrangements were confirmed in the email received 12th September as, "In the unlikely event that there is a reason why the manure could not be taken off-site the manure would be stored temporarily on the concrete yard. This would be bunded and covered."

#### Pollution Prevention

Requirement 2: Correction and clarification regarding the site pollution prevention and an incident plan specific to the construction stages.

From the emails received on 16th August and 12th September we understand that any standing water has the potential to attract wild birds to the site which could potential bring disease and infect the poultry birds. Therefore, attenuation ponds are not appropriate to this proposal. The amended Pollution Prevention Plan now includes information on the demolition and construction stages in section 8.

The Pollution Prevention Plan received on 16th August 2017 needs to be secured by a condition.

Condition 2: To prevent pollution to watercourses during the construction and operational phases of the proposal the development shall be carried out in accordance with the;



- i) Pollution Prevention Plan received on 16th August 2017
- ii) Flood Consequence Assessment and Surface Water Management Plan Report L0061/1 April 2017.

### Environmental Permitting

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

The description of the proposed development states that five existing poultry sheds at an existing intensive poultry unit will be demolished and that they will be replaced by two larger sheds with a total floor space 5,260m<sup>2</sup>. This will increase bird numbers at the poultry unit from 33,000 birds per cycle to a maximum of 44,000 birds per cycle which is above the threshold for permitting.

The EPR permit EPR/AB3498HW agreed on 3rd July 2017 2014 has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016.

NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the permit application was received on 7th February 2017.

The permit covers addresses any concerns that NRW may have regarding air quality, protected sites, abstractions and discharges.

### Scope of NRW Comments

Our comments 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. Any site owner/developer 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

I refer to your consultation of 21/06/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 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 provide an Annual Average Daily Traffic (AADT) vehicle movement value for proposed application, which must also include all other properties/businesses utilising the same access off the A483 Trunk Road.

*Consultation response received 01/09/2017:*

I refer to your consultation of 21/06/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

### Network Rail

Thank you for your email dated 21 June, together with the opportunity to comment on this proposal.

Whilst there is no objection in principle to this proposal, the development must not affect Network Rail's current ability to access, inspect, examine and maintain the earthwork and drainage assets. This can be controlled by an appropriately worded planning condition.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

### FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

### DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

### ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

## SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

## SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

## PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Please feel free to get in contact if you have any questions.

## **Representations**

Following the display of a site notice and press advertisement, no representations have been received at the time of writing this report.

## **Planning History**

P/2013/1095 – Raise roof of 4 poultry houses – Granted – 03/20/2014

R1658 – Erection of turkey breeding house – Approved – 08/11/78

R1658A – Extension of existing poultry sheds – Approved – 08/04/83

R1658B – Full: Extension of 2 poultry houses – Approved – 04/04/89

R1658C – Full: Proposed 40' x 45' extension to poultry houses – Approved – 10/09/91

PR165804 – Full: Demolition of existing poultry house and erection of larger unit and ancillary works – Approved – 03/07/96

### **Principal Planning Constraints**

Open Countryside

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (1997)

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

Technical Advice Note 16 – Sport, Recreation and Open Space (2009)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Natural Environment and Rural Communities Act (2006)

#### Local planning policies

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV4 – Internationally Important Sites

ENV5 – Nationally Important Sites

ENV6 – Sites of Regional and Local Importance

ENV7 – Protected Species

ENV17 – Ancient Monuments and Archaeological Sites

ENV18 – Development Proposals Affecting Archaeological Sites  
EC1 – Business, Industrial and Commercial Developments  
EC7 – Farm/Forestry Diversification for Employment purposes in the Open Countryside  
EC9 – Agricultural Development  
EC10 – Intensive Livestock Units  
T10 – Rail Facilities and Operations  
T11 Road and Rail Freight Interchanges  
RL6 - Rights of Way and Access to the Countryside  
TR2 – Tourist Attractions and Development Areas  
DC3 – External Lighting  
DC9 – Protection of Water Resources  
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.

### Environmental Impact Assessment Regulations 2016

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”. The proposed development will measure approximately 67,500 square metres and therefore exceeds the applicable threshold of 500 square metres and will house 56,000 broilers. It is therefore considered that the proposed development for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued. The development was assessed and by virtue of its scale and location a EIA has been submitted with this application.

### Environmental Permitting Regulations (EPR 2010)

The proposed development will be housing 56,000 broilers which is above the threshold of 44,000 for regulation of poultry farming under the Environmental Permitting (England and Wales) (Amendment) Regulations (EPR) 2016 and as such will require a permit issued by Natural Resources Wales.

The permit will address relevant issues relating to air, water and land and including management and operations Inc. Noise and Odour.

Emissions of noise that are generated outside of the environmental permit such as construction noise does fall within the remit of Environmental Protection.

### Introduction

In consideration of the details submitted in respect of the proposed poultry development, the principal matters considered relevant to determination are as follows;

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on local amenity;
- The effect of the proposed development on transport;
- The effect of the proposed development on ecology; and
- The effect of other considerations on the overall planning balance.

### Principle of Development

Policies EC1, EC7, EC9 and EC10 accept the principle of appropriate agricultural development within the open countryside. In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

### Farm Diversification

Rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

Gaufron farm presently has 5 operational poultry units which it is seeking to re-develop by demolishing the existing units and erecting 2 other units in their place.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

The application site is located in an area of low-lying land set amidst an undulating topography. Surrounding the application site are areas of agricultural land and further away a couple of residential dwellings and a caravan park.

The Powys Unitary Development Plan through policy EC9 seeks to ensure that the harm from new agricultural buildings is minimised through sensitive design and siting. Guidance

within EC9 suggests that wherever possible, new buildings should be grouped with existing buildings and utilise materials which are sympathetic to the site's surroundings. It is noted that the proposed development will erect two new poultry sheds in place of the 5 existing poultry units. The proposed units will utilise materials commonly used on agricultural buildings and will be finished in a portal framed construction with insulated box profile metal sheeting to the walls and box metal profile sheeting roofs.

The proposed buildings are substantial in size and will measure approximately 97.5 metres in length by 32 metres in width and 7.7 metres to the ridge. The proposed buildings are within close proximity from the existing farmhouse and other buildings. Existing site boundaries are made up of mature hedgerows and trees and given the undulating topography the application site is well screened.

Given the current units on site the proposed development will be seen as a continuance of the general agricultural nature of the surrounding area and will not be seen as out of context to the surrounding landscape. As well as the general topography of the land and screening by mature hedgerows and trees there is a reduction in the impact that the proposed development would have on the landscape.

Given the limited visibility of the application site together with existing landscaping, it is considered by Officers that the proposal is capable of being accommodated without causing unacceptable harm to the existing character and appearance of the Powys Landscape. In light of the above it is considered that the proposed development would be adequately absorbed into the landscape and would not have a significant adverse effect on the site itself or the surrounding landscape in accordance with policies ENV2, EC1 and EC9 of the Powys Unitary Development Plan (2010) and Planning Policy Wales.

### Transport Impacts

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and turning area as well as appropriate visibility splays which are fundamental requirements of any application.

Access to the site is provided via the U1316 which leads to the A483 trunk road. No alterations are proposed to the existing means of access or visibility splays.

Powys County Council's Highway Authority has been consulted on the proposed development and has stated that following the information supplied regarding traffic movements associated with the redevelopment of the existing poultry facility it is evident that the proposed development will effectively mirror the levels currently experienced with the existing facility. The Officer has stated that given the existing access arrangements remain unaltered, there would be no grounds to offer any objection to the proposal.

Welsh Government Trunk Road Agency have also been consulted on the proposed development and initially requested additional information in relation to traffic movements at the junction of the trunk road. Following the submission of additional information the Trunk Road Agency have not issued a direction in relation to the proposed development.

In light of the above the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18 (2007).

## Ecology and Biodiversity Impact

Guidance contained within UDP Policy ENV3, ENV4, ENV5, ENV6 and ENV7 indicates that development proposals should preserve and enhance biodiversity and features and sites of ecological interest. Technical Advice Note 5 further emphasises this and the need to preserve and enhance biodiversity. Specific guidance within UDP policy ENV4 confirms that development proposals should not significantly affect the achievement of the conservation objectives for which a SAC is designated either individually or in combination with other proposals. In addition to the above, policy ENV5 confirms that there will be a presumption against proposals for development likely to damage either directly or indirectly, the nature conservation interest of national nature reserves or sites of special scientific interest.

The proposed site of development is located approximately 0.9km to the south east of the River Wye SAC, the nearest watercourse to the site is located approximately 0.3km north west which flows into the River Ithon approximately 1.2km north west of the site.

In terms of the application of manure, all manure is to be taken off the site as per the long standing arrangements. Manure has been taken off site and has been identified that records are kept of the recipient of the manure and a statement being signed that the manure will be applied on the recipients land holding in accordance with CoGAP and NRW/EA regulations and therefore no manure management plan is requested. The contingency arrangements are that manure would be stored temporarily on the concrete yard and this would be banded and covered. Following consultation with NRW and Powys County Council's Ecologist it is considered that no further information is required within the planning process for the management of manure as the manure is taken away from site.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist initially required additional information in relation to a site drainage plan and a Habitat Regulation Assessment in order to appropriately assess the impact of the proposed development.

Following the submission of several additional documents relating to the proposed development which included a site drainage plan. The ecologist confirmed that the information submitted was satisfactory in order to assess the proposed development in terms of the drainage plan. Furthermore a Habitat Regulations Assessment has also been undertaken for the development and confirmation has been received that the proposed development would not be likely to have significant effects on the River Wye SAC.

On the basis of the submission and the advice from NRW and Powys County Council's Ecologist, it is considered that the proposal complies with the relevant local and national nature conservation policies subject to the attachment of appropriately worded conditions.

## Residential Amenity

Poultry units have the potential to impact on the living conditions of residents living nearby. The submission considers emissions of noise and odour of the proposal which is considered relevant to assessing its impact on those who live nearest to the development.

- Noise



UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise. Intensive livestock units have the potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

Powys County Council's Environmental Health Officer has been consulted on the proposed development and has stated that they have no concerns, however, they have recommended that should planning permission be granted a condition be attached that would ensure that the local amenities of local residents are not impacted upon by noise disturbance.

On the basis of the comments received, Officers consider that sufficient information has now been submitted to demonstrate that the proposed poultry development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of noise. As such, the proposed development is considered to fundamentally comply with UDP policies GP1, EC1 and EC10, Technical Advice Note 11 and Planning Policy Wales.

#### 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**

Taking into account national and local planning policy, together with the consultee responses, it is considered that the proposal complies with relevant planning policy, subject to the use of conditions.

Environmental information has been taken into consideration when arriving at this recommendation.

#### **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 approved on XX/XX/XX (drawing no's: Dwg No GW-3D, Dwg No GW-3C, Dwg No GW-5, Dwg No GW-1B & Dwg No GW-2B).
3. Prior to the construction of the buildings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

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

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above. During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

5. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
6. The recommendations regarding bats, nesting birds and reptiles identified in Section 4.3 of the Ecological Report by Turnstone Ecology dated May 2017 shall be adhered to and implemented in full.
7. The mitigation regarding bats, badgers and reptiles in Section 4.3 of the ecological report by Turnstone Ecology dated May 2017 and water pollution identified in Section 9.6 of the Environmental Statement by Berrys shall be adhered to and implemented in full.
8. Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposals for bat and bird boxes, grassland seeding and tree planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
9. The Pollution Prevention Plan and Surface Water Management Plan submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter.
10. A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and agreed in writing by the Local Planning Authority and carried out in full.
11. 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.
12. No manure from the egg laying unit shall be spread on the holding without the prior written approval of the Local Planning Authority. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.
13. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
14. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.
15. The development hereby approved must not affect Network Rail's current ability to access, inspect, examine and maintain the earthwork and drainage assets along the Heart of Wales Line.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
4. In the interests of the amenities of existing residential property in the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
5. In the interests of the amenities of existing residential property in the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
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, 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.

8. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

9. 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, 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 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.

11. 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.

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

13. To comply with Powys County Council's UDP Policy 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.

14. To comply with Powys County Council's UDP Policy 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.

15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1, GP4, T10 and T11.

### *Informative Notes*

#### Public Rights of Way:

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public path be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the path can be legally stopped-up for a defined period.

#### 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](mailto:enquiries@bats.org.uk)

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Network Rail:

## FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be

no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

## DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

## ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

## FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

## SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

## SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

## PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

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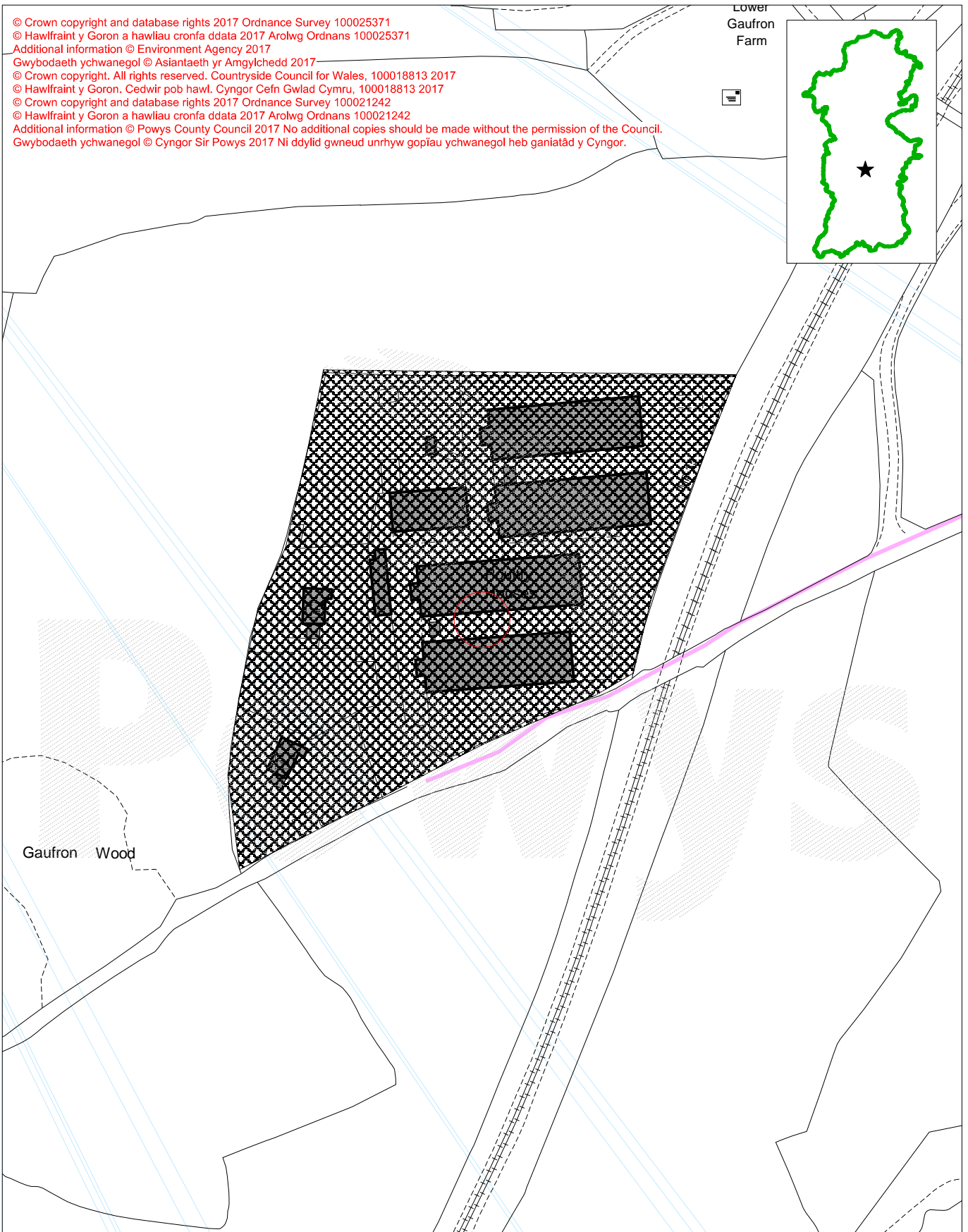
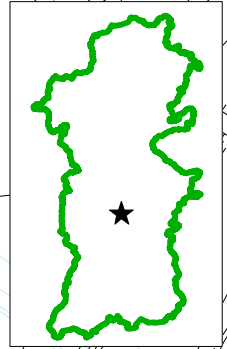
Case Officer: Thomas Goodman- Planning Officer  
Tel: 01597 827655 E-mail:[thomas.goodman@powys.gov.uk](mailto:thomas.goodman@powys.gov.uk)

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



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Lower  
Gaufron  
Farm



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

# 7.13

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

<b>Application No:</b>	P/2017/0765	<b>Grid Ref:</b>	295052.24 285424.67
<b>Community Council:</b>	Llanidloes	<b>Valid Date:</b>	<b>Officer:</b> 10/07/2017 Luke Jones
<b>Applicant:</b>	Mr & Mrs Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ		
<b>Location:</b>	Dyfnant, Llanidloes, Powys, SY18 6HR		
<b>Proposal:</b>	Full: Erection of 3 dwelling, formation of new vehicular access and all associated works		
<b>Application Type:</b>	Application for Full 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 application site is located outside the settlement development boundary for Llanidloes and is therefore defined as being located within the open countryside. The application site is located just outside of Llanidloes, which can be accessed via a footpath.

The proposed site is 0.85 acres, to the north of the proposed site is an existing quarry and to the south are residential dwellings. To the east of the proposed site is an area of woodland and to the west is the county highway B4518.

Consent is sought in full for the erection of 3 no. 4 bedroom residential dwellings. The proposed dwellings for plots 1 and 3 will be two storeys and will measure approximately 13.4 metres in width and 10.5 metres in depth, the proposed dwellings will reach a height of approximately 4.1 metres to eaves and 8 metres to ridge. The proposed dwelling for plot 2 will be a three storey dwelling and will measure approximately 13.4 metres in width and 10.5 metres in depth, the proposed dwelling will reach a height of approximately 4.9 metres to eaves and 9 metres to ridge

The dwellings will be constructed with a mixture of materials for the walls including brick work, render and timber boarding and slate tiles for the roof.

### Consultee Response

Llanidloes Town Council

No objections

## PCC – Highways

We have noted that on drawing SK 20 the applicant has proposed to discharge the Foul Water into the Highway road gully. The Highway Authority does not accept any discharge from Treatment Plants into the existing highway drainage system. The applicant is therefore requested to submit amended drawings clearly identifying an alternative discharge location.

Please find below the recommendation of the Highway authority for the Class II B4518. Our conditions are based on the amended drawing SK20

Rev. B.

Prior to the occupation of any dwelling any entrance gates shall be set back at least 10.0 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.

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.

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 10.0 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

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.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.0 metres for a minimum distance of 10.0 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.

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 10.0 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.

Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full details of a scheme to intercept and discharge of all surface water run-off from the access road.

Prior to the occupation of any dwelling, the approved scheme for surface water drainage shall be fully completed to the written satisfaction of the local planning authority.

## Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 14.07.2017, advising us of the planning application and proposals at:

Dyfnant, van Road, Llanidloes, Powys, SY18 6HR

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 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 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

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

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.

## PCC - Environmental Health

1<sup>ST</sup> August 2017 –

Thank you for your consultation in respect of this application. There appears to be some confusion in respect of foul drainage, the design and access says that it will connect to mains, which would be the most appropriate given the proximity to the town. However the planning permission and plans show private treatment plants. The applicant will need to clarify this point and if not relying on mains will need to make a case for not doing so.

25<sup>th</sup> September 2017 –

Thank you for the update, given that the applicant is now proposing to connect to the mains I have no objection to this application

PCC – Ecologist

Thank you for consulting me with regards to planning application P/2017/0765 which concerns the full planning application for the erection of 3 dwellings, formation of new vehicular access and all associated works at Dyfnant, Llanidloes, Powys.

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 137 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 appears to be an area of semi-improved grassland which is considered to be a habitat of lower ecological value. However, the site has a tree/woodland boundary which is considered to be of ecological value.

Given the proximity of development and works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works. It would seem likely that the creation of the new access point 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.

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 trees and 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.

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.

It appears from the proposed plans that landscaping is proposed 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.

Consideration has been given to the proximity of the development to the watercourse present approximately 100m south of the proposed site. In considering the location and nature of the development and the roadway between the development site and watercourse - it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant undertakes works in accordance with available Pollution Prevention Guidelines, particularly GPP5: Works and maintenance in or near water and PPG6: Working at construction and demolition sites, details of these guidelines can be found at:

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

I note from the proposed plans that a number of bird nesting boxes and bat boxes will be placed on existing trees on the development site. I consider these enhancements that are proposed to be incorporated are biodiversity enhancements and ensures net biodiversity benefits through the proposed development.

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 and Replacement 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.

#### PCC - Contaminated Lland

In relation to Planning Application P/2017/0765, there would be no requirements in respect of land contamination.

#### **Public Response**

Following display of a site notice on the 20/07/2017, there have been no public representations received

#### **Planning History**

PPAE/2017/0062 – Pre application Advice

#### **Principal Planning Constraints**

Historic Landscapes Register

#### **Principal Planning Policies**

##### National Policies

Planning Policy Wales (Edition 9, 2016)

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

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

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

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

Technical Advice Note 12 - Design (2014)

Technical Advice Note 15 – Development and Flood Risk (2014)

Technical Advice Note 18 - Transport (2007)

Technical Advice Note 23 – Economic Development (2014)



## Local Policies

### Powys Unitary Development Plan (2010)

SP2– Strategic Settlement Hierarchy  
SP5 – Housing Developments  
GP1 – Development Control  
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  
ENV6 – Site of Regional and Local Importance  
ENV7 – Protected Species  
HP3- Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP5 – Residential Developments  
HP6- Dwellings in the Open Countryside  
HP14 – Sustainable Housing  
DC1 – Accessibility  
DC3 – External Lighting  
DC8 – Public Water Supply  
DC9 – Protection of Water Resources  
DC10 – Mains Sewage Treatment  
DC13 – Surface Water Drainage

Residential Design Guide (October 2004)  
Affordable Housing for Local Needs – SPG – 2011

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 outside of the settlement development limits of Llanidloes. 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.

### Sustainability

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. .

The proposed development is located outside of Llanidloes which is defined as an area centre within the Unitary Development Plan. The proposed site is located outside of the settlement boundary by approximately 36 metres. The site is considered to be within a sustainable location due to the services provided locally and therefore, it is considered that additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

The site benefits from good public transport links and services within Llanidloes town centre which can be accessed via a footpath. Llanidloes town centre has a wide range of sustainable facilities available such as shops, doctors, and dentist and primary and secondary schools which can be easily accessed from the proposed site.

Therefore, 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.

### Siting, Design and Scale

Policy GP1 and HP5 of the Powys UDP provides general development guidance and includes overarching principles which seek to safeguard the character and appearance of existing buildings and surrounding area whilst further ensuring that development proposals do not adversely affect the environment, highway safety or the amenities enjoyed by occupants of neighbouring residential properties. These requirements must be satisfied if a proposal is to be considered appropriate in general terms.

The layout of the proposed site includes the erection of 3 no. 4 bedroom residential dwellings. The proposed dwellings for plots 1 and 3 will be two storey and will measure approximately 13.4 metres in width and 10.5 metres in depth, the proposed dwellings will reach a height of approximately 4.1 metres to eaves and 8 metres to ridge. Plots 1 and 3 have been designed as two storey dwellings to help reduce the proposed dwellings visual

impact on the surrounding area. Plot 1 and 3 will be the most visual dwellings as members of the public enter and leave Llanidloes along the county highway. The proposed dwellings for plots 1 and 3 also include a detached garage.

The proposed dwelling for plot 2 will be a three storey dwelling which will include an integral garage and will measure approximately 13.4 metres in width and 10.5 metres in depth, the proposed dwelling will reach a height of approximately 4.9 metres to eaves and 9 metres to ridge. The proposed dwelling for plot 2 will include a lower ground floor which will include a garage and further living accommodation. The scale and proportion of the proposed development is considered appropriate and also matches the neighbouring residential property, Maeshafren. Due to the topography of the site, the lower ground floor will not be visible from the front elevation of the property. The proposed dwelling for plot 2 is slightly higher than the other dwellings proposed, however this will be well screened by plot 1 and plot 3.

The design of the dwellings in terms of appearance will be traditional in style which reflects the existing properties in the surrounding area. The dwellings will be constructed with a mixture of materials for the walls including brick work, render and timber boarding and slate tiles for the roof. Dwellings in the locality are mixed in design, type and materials and as such the proposed design and materials are considered to reflect those of the surrounding area whilst also introducing a modern design.

It is proposed to retain the existing hedgerows and mature trees, although some hedgerow will be required to be removed, particularly to enable vehicular access. Overall it is considered that the proposed design and appearance of the proposed dwellings will reflect the surrounding area in accordance with section 2 of UDP Policy HP5.

The proposed dwelling has been designed to overcome the site constraints of the land sloping heavily down towards the county highway. The dwellings have been designed to reduce the overall visual impact of the dwellings and to reflect the design of the existing dwelling that adjoins the site (Dyfnant).

Overall it is considered that the proposed design and appearance of the proposed dwellings will reflect the surrounding area in accordance with section 2 of UDP Policy HP5. In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### 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 designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed dwellings have been designed to reduce the overall visual impact of the dwellings. In terms of landscaping the submission includes the planting of additional trees along the southern boundary to minimise the proposed dwellings visual impact on the nearest neighbouring property Dyfnant. The proposed site is already well screened by existing trees along the northern boundary and eastern boundary which are to remain. The proposed site is also already well screened by trees on the western boundary, although a section of trees will

be lost to create the new access. It is therefore considered that the proposed dwellings will not cause a detrimental visual impact upon 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.

#### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Plot 3 is the closest proposed dwelling to the closest neighbouring dwelling (Dyfnant) which is approximately 22.6 metres away. Dyfnant is located to the south of the proposed dwellings and therefore the side elevations of the proposed dwellings will face the side elevation of the existing dwellings, rather than the front or rear elevations. The application does include the planting of additional trees along the southern boundary to minimise the proposed dwellings visual impact on the nearest neighbouring property Dyfnant. It is therefore considered that the proposed development will not have a detrimental impact on the neighbouring dwellings in terms of overlooking and privacy.

Therefore, taking into account the distance from neighbouring properties, it is considered that the proposal would not unacceptably adversely affect the amenities enjoyed by occupants of existing and proposed dwellings in accordance with UDP Policy GP1.

#### Highways

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

The application includes the creation of a new access which will join the B4518 highway via a joint junction. The proposed development will provide 120 metre visibility splays in both directions and parking provision to improve highway safety.

The Local Highway Authority has been consulted regarding the application as Highway authority for the Class II B4518. The Powys Highway Authority have confirmed in light of the amended plans that they have no objections subject to the inclusion of a number of conditions.

In light of the above and subject to the proposed conditions, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the PCC Ecologist was consulted with regard to this application.

The Ecologist 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 137 records of protected and priority species within 500m of the proposed development, although 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 appears to be an area of semi-improved grassland which is considered to be a habitat of lower ecological value. However, the site has a tree/woodland boundary which is considered to be of ecological value.

The Ecologist noted given the proximity of development and works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works. It would seem likely that the creation of the new access point would require the removal of sections of hedgerow. The Ecologist therefore suggests that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.

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, although 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.

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.

The Ecologist noted it appears from the proposed plans that landscaping is proposed 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.

Consideration has been given to the proximity of the development to the watercourse present approximately 100m south of the proposed site. In considering the location and nature of the development and the roadway between the development site and watercourse - it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant undertakes works in accordance with available Pollution Prevention Guidelines.

The Ecologist recognised from the proposed plans that a number of bird nesting boxes and bat boxes will be placed on existing trees on the development site. Therefore the Ecologist considers these enhancements that are proposed to be incorporated are biodiversity enhancements and ensures net biodiversity benefits through the proposed development.

Therefore the Ecologist has recommended inclusion of a number of conditions.

In light of the above and subject to the recommended conditions, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Foul Drainage

The Environmental Health officer has been consulted regarding this application and noted there appears to be some confusion in respect of foul drainage, the design and access statement states that it will connect to mains, which would be the most appropriate given the proximity to the town. However the planning permission and plans show private treatment plants.

After a discussion with the agent he confirmed that the foul water drainage scheme will now be connecting to the mains and sent in amended plans to support this. The Environmental Health officer confirmed that given that the applicant is now proposing to connect to the mains, Environmental Health has no objection to this application.

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

#### Affordable Housing:

The applicant is currently in negotiation with Development Management regarding the provision of an affordable dwelling. This is because five dwelling will be proposed when considering the development with P/2017/0766. This will be addressed in the update report.

#### 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. Policy GP5 does not list Llanidloes as one of the key settlements.

In the 2011 census the Llanidloes Ward reported that 15.5% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 17.5% of the population of Llanidloes spoke Welsh. The proposed development of three dwellings 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 site departs 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.

### **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 approved on XXXXXX (drawing no's: Amended Plans SK.01(A), SK.02(A), SK.04(B) SK.05 (A), SK.05(B), SK.06(A), SK.10 (A), SK.20 (B), SK.21).

3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10.0 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.
4. 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.
5. 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 10.0 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
6. 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.
7. The width of the access carriageway, constructed as Condition 5 above, shall be not less than 5.0 metres for a minimum distance of 10.0 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.
8. 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 10.0 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
9. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full details of a scheme to intercept and discharge of all surface water run-off from the access road.
10. Prior to the occupation of any dwelling, the approved scheme for surface water drainage shall be fully completed to the written satisfaction of the local planning authority
11. Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
12. 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 Local Planning Authority approval and implemented as approved and maintained thereafter.
13. 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.

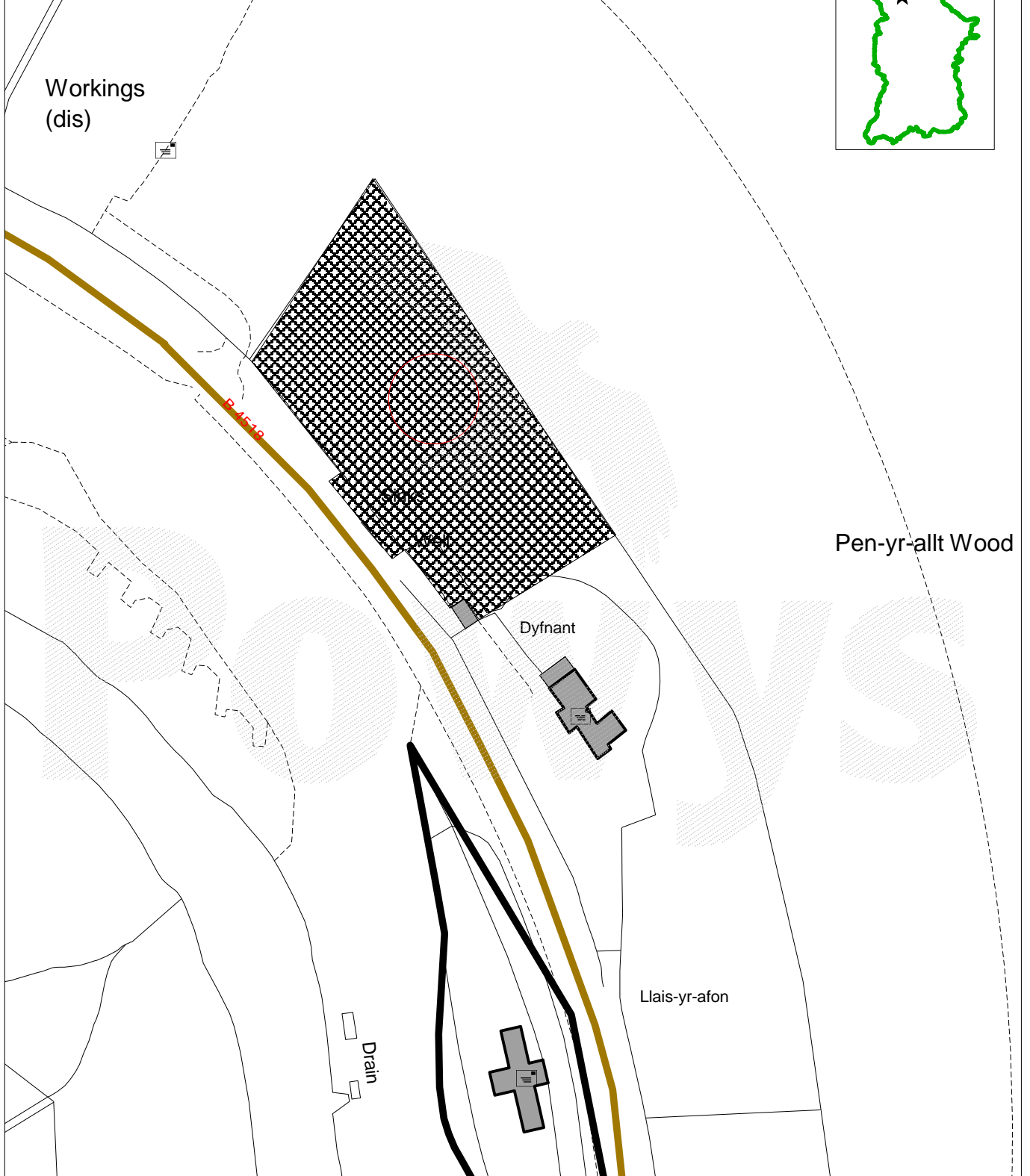
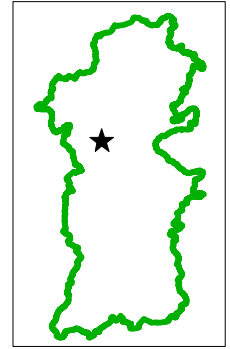
## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. 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 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.
12. 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
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, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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Case Officer: Luke Jones- Planning Officer  
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

# 7.14

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

**Application No:** P/2017/0766

**Grid Ref:** 295115.63  
285301.93

**Community Council:** Llanidloes

**Valid Date:** 10/07/2017  
**Officer:** Luke Jones

**Applicant:** Mr & Mrs Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ

**Location:** Dyfnant, Llanidloes, Powys, SY18 6HR

**Proposal:** Full: Erection of 2 dwellings, formation of new vehicular access and all associated works

**Application Type:** Application for Full 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 proposed site is located outside the settlement development boundary for Llanidloes and is therefore defined as being located within the open countryside. To the north of the proposed site is a neighbouring property Dyfnant and to the south of the proposed site is another neighbouring dwelling Maeshafren and other residential properties. To the east of the proposed site is the county highway B4518 and residential dwellings; to the west of the proposed site is an area of woodland.

The layout of the proposed site includes 2 no. 4 bedroom residential dwellings, with integral garage and office space. The proposed dwellings will measure approximately 13.3 metres in length and 10.4 metres in width. The proposed dwellings will reach a height of approximately 8 metres to eaves and 10.7 metres to ridge. The proposed dwellings are 2.5 storey in height and the lower storey will be built into the ground.

The dwellings will be constructed with a mixture of materials for the walls including brick work, render and timber boarding and slate tiles for the roof.

### Consultee Response

Llanidloes Town Council

No objection.

Powys Highways

The County Council as Highway Authority for the County Class II Highway, B4518

Wish the following recommendations/Observations be applied.

#### Recommendations/Observations

Prior to the occupation of any dwelling any entrance gates shall be set back at least 10.0 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.

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.

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 10.0 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

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.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.0 metres for a minimum distance of 10.0 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.

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 10.0 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.

Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full details of a scheme to intercept and discharge of all surface water run-off from the access road.

Prior to the occupation of any dwelling, the approved scheme for surface water drainage shall be fully completed to the written satisfaction of the local planning authority.

#### Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 14.07.2017, advising us of the planning application and proposals at:

Dyfnant, van Road, Llanidloes, Powys, SY18 6HJ

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 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 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

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

#### Powys Environmental Health

Thank you for your consultation in respect of this application. Given that the applicant is intending to connect to the main sewer, I have no objection to this application.

#### Powys Ecologist

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 141 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 appears to be an area of semi-improved grassland which is considered to be a habitat not considered to be of high ecological value. However, the site has a tree/woodland boundary which are considered to be of ecological value.

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

would seem likely that the creation of the new access point 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.

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 trees and 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.

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.

It appears from the proposed plans that landscaping is proposed 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.

Consideration has been given to the proximity of the development to the watercourse present approximately 100m west of the proposed site. In considering the location and nature of the development and the roadway between the development site and watercourse - it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant undertakes works in accordance with available Pollution Prevention Guidelines, particularly GPP5: Works and maintenance in or near water and PPG6: Working at construction and demolition sites, details of these guidelines can be found at:



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

I note from the proposed plans that a number of bird nesting boxes and bat boxes will be placed on existing trees on the development site. I consider these enhancements that are proposed to be incorporated are biodiversity enhancements and ensures net biodiversity benefits through the proposed development.

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 and Replacement 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.

## **Public Response**

Following display of a site notice on 20/07/2017, there have been no public representations received.

## **Planning History**

PPAE/2017/0062 – Pre application Advice

## **Principal Planning Constraints**

Historic Landscapes Register

## **Principal Planning Policies**

### National Policies

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 (2014)

TAN15 – Development and Flood Risk (2014)

TAN 18 - Transport (2007)

TAN 20 – Planning and the Welsh Language (2013)

TAN 23 – Economic Development (2014)

### Local Policies

Powys Unitary Development Plan (2010)

SP2– Strategic Settlement Hierarchy

SP5 – Housing Developments

GP1 – Development Control

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

ENV6 – Site of Regional and Local Importance

ENV7 – Protected Species

HP3- Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP5 – Residential Developments

HP6- Dwellings in the Open Countryside

HP14 – Sustainable Housing

DC1 – Accessibility

DC3 – External Lighting

DC8 – Public Water Supply

DC9 – Protection of Water Resources

DC10 – Mains Sewage Treatment

DC13 – Surface Water Drainage

TR2 – Tourist Attractions

Residential Design Guide (October 2004)

## Affordable Housing for Local Needs (2011)

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 site subject to this application lies outside of the settlement development limits of Llanidloes. 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.

#### Sustainability

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development.

The proposed development is located outside of Llanidloes which is defined as an area centre within the Unitary Development Plan. The proposed site is located outside of the settlement boundary by approximately 19 metres. The site is considered to be within a sustainable location due to the services provided locally and therefore, it is considered that additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

The site benefits from good public transport links and services within Llanidloes town centre which can be accessed via a footpath. Llanidloes town centre has a wide range of sustainable facilities available such as shops, doctors, and dentist and primary and secondary schools which can be easily accessed from the proposed site.

Therefore, 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.

### Siting, Design and Scale

Policy GP1 and HP5 of the Powys UDP provides general development guidance and includes overarching principles which seek to safeguard the character and appearance of existing buildings and surrounding area whilst further ensuring that development proposals do not adversely affect the environment, highway safety or the amenities enjoyed by occupants of neighbouring residential properties. These requirements must be satisfied if a proposal is to be considered appropriate in general terms.

The layout of the proposed site includes 2 no. 4 bedroom residential dwellings, with integral garage and office space. The proposed dwellings will measure approximately 13.3 metres in length and 10.4 metres in width. The proposed dwellings will reach a height of approximately 8 metres to eaves and 10.7 metres to ridge. The proposed dwellings are 2.5 storeys in height with the lower storey of the dwellings to be built into the ground.

The design of the dwellings in terms of appearance will be traditional in style which reflects the existing properties in the surrounding area. The dwellings will be constructed with a mixture of materials for the walls including brick work, render and timber boarding and slate tiles for the roof. Dwellings in the locality are mixed in design, type and materials and as such the proposed design and materials are considered to reflect those of the surrounding area whilst also introducing a modern design.

The proposed dwelling has been designed to overcome the site constraints of the land sloping heavily down towards the county highway. The dwellings have been designed to reduce the overall visual impact of the dwellings and to reflect the design of the existing dwelling that adjoins the site (Maeshafren).

Overall it is considered that the proposed design and appearance of the proposed dwellings will reflect the surrounding area in accordance with section 2 of UDP Policy HP5.

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

### 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.

The proposed dwellings have been designed to reduce the overall visual impact of the dwellings and to reflect the design of the existing dwelling that adjoins the site Maeshafren. In

terms of landscaping the submission includes the planting of additional trees along the southern boundary to minimise the proposed dwellings visual impact on the nearest neighbouring property Maeshafren. The application also includes the planting of additional trees along the northern boundary which will also minimise the proposed dwellings visual impact on the residential property Dyfnant. Further planting of trees is also proposed on the western boundary next to the county highway.

The nearest residential property on the western boundary is Llais –Yr- Afon which is located on the other side of the county highway B4518 and due to the topography of the land is not very visible from the proposed site. It is proposed to retain the existing hedgerows and mature trees, although some hedgerow will be required to be removed, particularly to enable vehicular access. Llais – Yr – Afon is also well screened by the existing boundary hedge. It is therefore considered that the proposed dwellings will not cause a detrimental visual impact upon 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.

#### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Plot 1 is located approximately 27.5 metres from the closest neighbouring dwelling (Maeshafren), plot 2 is located approximately 29.5 metres from the closest neighbouring dwelling (Dyfnant). The existing dwellings are located to the north and south of the proposed dwellings and therefore the side elevations of the proposed dwellings will face the side elevation of the existing dwellings, rather than the front or rear elevations.

Llais -Yr- Afon which is located to the west of the proposed dwellings is located approximately 32 metres away from plot 1 and approximately 39 metres away from plot 2. Llais –Yr- Afon is located on the other side of the county highway B4518 and due to the topography of the land is not very visible from the proposed site. Llys -Yr- Afon is well screened by an existing hedgerow and it is therefore considered that the proposed development will not have a detrimental impact on the neighbouring dwellings in terms of overlooking and privacy.

The distances to the nearest neighbouring properties comply with the guidance set out within the Powys Residential Design Guide. Therefore, taking into account the distance from neighbouring properties, it is considered that the proposal would not unacceptably adversely affect the amenities enjoyed by occupants of existing and proposed dwellings in accordance with UDP Policy GP1.

#### Highways

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

The proposed development includes the construction of a new joint junction access; the proposed dwellings will be accessed off the B4518 county highway via the new access. The

proposed development will provide 120 metre visibility splays in both directions and parking provision to improve highway safety.

The Local Highway Authority recommended the inclusion of a number of conditions regarding surfacing, drainage and parking.

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.

### Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the PCC Ecologist was consulted with regard to this application.

The Ecologist 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 141 records of protected and priority species within 500m of the proposed development, although 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 appears to be an area of semi-improved grassland which is considered to be a habitat not considered to be of high ecological value. However, the site has a tree/woodland boundary which is considered to be of ecological value.

The Ecologist noted given the proximity of development and works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works. It would seem likely that the creation of the new access point would require the removal of sections of hedgerow.

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, although details of the location, length and species as well as an appropriate aftercare scheme will need to be identified and the species used will need to be native and reflect the hedgerows present in the local area.

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.

The Ecologist noted that it appears from the proposed plans that landscaping is proposed 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.

Consideration has been given to the proximity of the development to the watercourse present approximately 100m west of the proposed site. In considering the location and nature of the development and the roadway between the development site and watercourse - it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant undertakes works in accordance with available Pollution Prevention Guidelines.

The Ecologist noted from the proposed plans that a number of bird nesting boxes and bat boxes will be placed on existing trees on the development site. Therefore the Ecologist considers these enhancements that are proposed to be incorporated as biodiversity enhancements and ensures net biodiversity benefits through the proposed development.

The Ecologist recommended the inclusion of a number of conditions. In light of the above it is therefore considered the proposed development fundamentally complies with relevant planning policy.

#### Foul Drainage

The proposed development proposes to dispose of foul drainage to the main sewer, the Environmental Health officer was consulted on the application and raised no objection to the proposed development. Severn Trent Water has also been consulted on the application and also had no objection to the proposed development.

On the basis of the submitted information and that no objections have been received from Severn Trent Water and the Environmental Health, it is considered that the proposal would make adequate provision for the disposal of foul sewerage in accordance with UDP Policy DC10.

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

#### Affordable Housing:

The applicant is currently in negotiation with Development Management regarding the provision of an affordable dwelling. This is because five dwelling will be proposed when considering the development with P/2017/0765. This will be addressed in the update report.

#### 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. Policy GP5 does not list Llanidloes as one of the key settlements.

In the 2011 census the Llanidloes Ward reported that 15.5% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 17.5% of the population of

Llanidloes spoke Welsh. The proposed development of three dwellings is however 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**

Whilst the site departs 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.

## **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 approved on XXXXXX (drawing no's: SK.01, SK.02, SK.03, SK.04, SK.05, SK.10(A), SK.20, Proposed Site Plan).
3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10.0 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.
4. 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.
5. 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 10.0 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
6. 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.
7. The width of the access carriageway, constructed as Condition 5 above, shall be not less than 5.0 metres for a minimum distance of 10.0 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
8. 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 10.0 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
9. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full details of a scheme to intercept and discharge of all surface water run-off from the access road.
10. Prior to the occupation of any dwelling, the approved scheme for surface water drainage shall be fully completed to the written satisfaction of the local planning authority.
11. Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

12. 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 Local Planning Authority approval and implemented as approved and maintained thereafter.

13. 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 and implementation scheme. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. Development thereafter must be fully completed in accordance with the details as approved.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. 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 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.
12. 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.

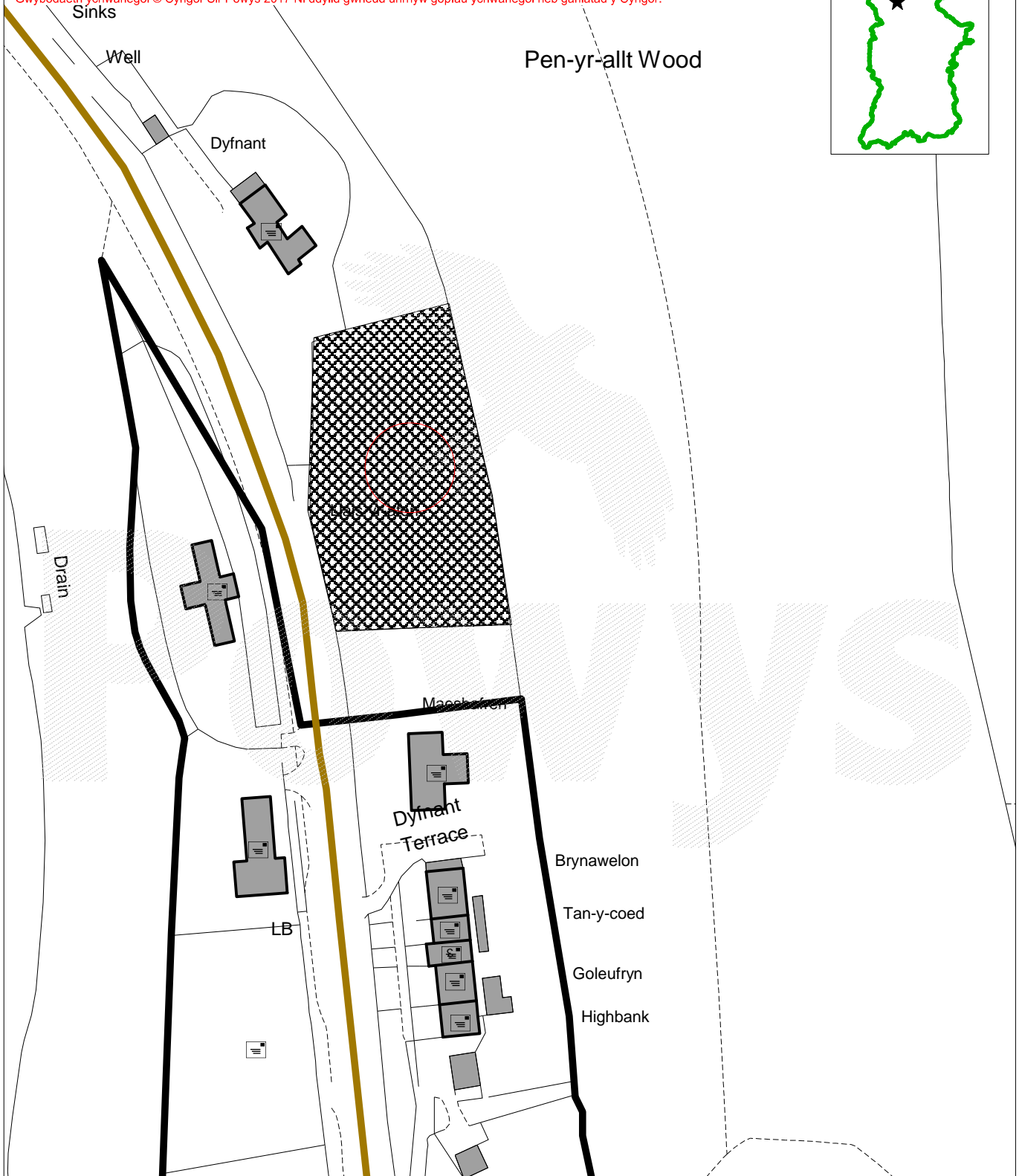
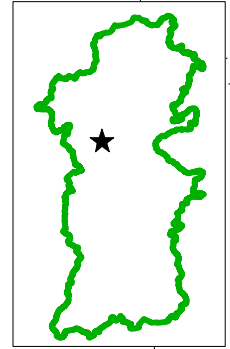
13. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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Case Officer: Luke Jones- Planning Officer  
Tel: 01597 827115 E-mail:luke.jones@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

# 7.15

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

<b>Application No:</b>	P/2017/0942	<b>Grid Ref:</b>	327282.13, 311864.15
<b>Community Council:</b>	Trewern	<b>Valid Date:</b>	<b>Officer:</b> 17/08/2017 Bryn Pryce
<b>Applicant:</b>	Mrs Helen Dart Gwelfryn, Trewern, Welshpool Powys SY21 8ED		
<b>Location:</b>	Land at Pigeon House, Trewern, Welshpool Powys SY21 8EE		
<b>Proposal:</b>	Outline: Erection of a dwelling, installation of a sewage treatment plant and associated works (some matters reserved)		
<b>Application Type:</b>	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.

### Site Location and Description

This site is located off the C2039 (Criggion Lane) near to the key settlement of Trewern. The site is accessed off the classified highway via an existing access which serves Pigeon House via a private track. The existing site is currently used for agricultural grazing purposes and is bound by mature hedgerows and trees to the south the highway to the east, agricultural land to the west and post and wire fencing to the north.

This outline application seeks consent for the Erection of a dwelling, installation of a sewage treatment plant and associated works. The application considers the principle of residential development on the site and access to it with all other matters reserved for future consideration. An indicative layout for the site and indicative scale has been provided with the application. This site is located outside of the settlement boundary of Trewern and therefore represents a departure from the Unitary Development Plan 2010.

### Consultee Response

#### Trewern CC

*Correspondence received 20<sup>th</sup> September 2017*

Trewern Community Council considered this planning application at its meeting on 19 September 2017.

We support this application because of the need to provide suitable accommodation for a disabled person.

Powys Highways

*Correspondence received 6<sup>th</sup> October 2017*

The County Council as Highway Authority for the County Class III Highway, C2039

**Wish the following recommendations/Observations be applied  
Recommendations/Observations**

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC4 Prior to the commencement of the development the access 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 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.

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 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.



HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 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,

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the package treatment plant or its soakaway installation.

HC27 The package treatment plant effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

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.

#### Powys Building Control

*Correspondence received 29<sup>th</sup> August 2017*

Building Regulations application required.

#### Wales & West Utilities

*Correspondence received 1<sup>st</sup> September 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 Water

*Correspondence received 8<sup>th</sup> September 2017*

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

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

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

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

Powys Ecologist

*Correspondence received 20<sup>th</sup> September 2017*

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 12 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are no designated sites present within 500m of the development.

Reviewing on site images and proposed plans I note that there are approximately 3 semi-mature trees on the perimeter of the proposed development site as well as hedgerow on the northern and eastern boundary. It is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife 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.

I note from the proposed plans that new hedgerow planting is proposed as well as possible removal or translocation of the existing hedgerow to improve the visibility splay associated with the proposed development.

Where impacts to trees and 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.

Careful consideration will need to be given to any external lighting, 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.

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. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

**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 and Replacement 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.

#### Powys Environmental Health

*Correspondence received 5<sup>th</sup> September 2017*

Re: Outline – Erection of a dwelling, installation of a sewage treatment plant and associated works (some matters reserved).

I have no objection to the proposed scheme, subject to NRW consent/exemption for the effluent discharge to watercourse.

#### NRW

*Correspondence received 13<sup>th</sup> September 2017*

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect the interest listed.

#### **Foul Drainage**

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 written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

Any private sewage treatment / disposal facility must be installed and maintained in accordance with British Standard 6297, and Approved Document H of the Building Regulations 2000 (further details may be available from the local authority Building Control Officer). (NB Private treatment facilities are not considered environmentally acceptable in publicly sewered areas).

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.

Cllr Amanda Jenner

*Correspondence received 20<sup>th</sup> September 2017*

As the local member for Trewern, I write regarding the above planning application.

Having visited the site and spoken with the applicant and a number of local residents, I wish to support the planning application. There is already road access to the development and I understand the house will be providing a suitable dwelling for a local lady with disabilities. It is important to support local needs and communities; this application would be providing a suitable dwelling and therefore a meeting a local need.

My only comment relates to the trees on the edge of the site next to the road. Subject to highways/visibility issues, these trees should be left in position in order to provide privacy for both the proposed dwelling and the properties nearby who have site of the dwelling.

I trust that my comments will be taken into consideration and should your recommendations be to reject this application, I wish to call in the decision to the planning committee.

**Representations**

A public site notice was displayed at the site for a period of 21 days. One letter of support was received in response.

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (9<sup>th</sup> edition, 2016)

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

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

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

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

### 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

GP3 – Design and Energy Conservation

GP4 – Highways and Parking Requirements

GP5 – Welsh Language and Culture

ENV1 – Agricultural Land

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

HP14 – Sustainable Housing

DC1 – Access by Disabled Persons

DC3 – External Lighting

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

This application site lies near to the settlement boundary of Trewern which is classified in the Powys Unitary Development Plan 2010 as a Key Settlement. The site is located the other side of the C2039 classified highway from the settlement boundary. The proposal is for a single open market 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.

Trewern is defined in the UDP as a Key Settlement with two allocated sites (M195 – HA1 and M195 – HA2) which have been completed. The settlement itself has a chapel, primary school, community centre, playground, recycling centre and public transport links. Trewern is located approximately 4.6 miles driving distance north east of the area centre of Welshpool which has a wide range of key services and facilities. Welshpool is readily accessible via public transport from bus stops a short walking distance from the site. The proposed location is therefore 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 submitted plans show that the dwelling proposed is to be a single storey 2 bed bungalow with the design and access statement indicating that the dwelling will be between 8-14 metres in length, 6-10 metres in width and between 4.5 – 6.5 metres in height to the ridge. The future scale and design of the property will reflect the needs of the proposed occupant who is disabled. The dwelling is to be single storey in height with the dwelling being custom built to suit a wheelchair.

No indicative details of design of the dwelling are given it is intended to reflect the character and appearance of the surrounding area. The design and access statement doesn't give any information in terms of proposed materials at this stage.

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 single 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.

#### 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.

The proposed site is located close to the settlement boundary of Trewern. It is considered that the siting of the proposed dwelling 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 key settlement and would not have an unacceptable 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.

#### 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 no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable 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 the council's Environmental Health Officers have been consulted who have raised no objection to the scheme as it is to be served by a package treatment plant and will discharge to the watercourse. Severn Trent have also been consulted and have raised no objection to the proposal. Natural Resources Wales have raised no objection to the proposed method of foul drainage subject to the relevant exemption discharge consent being secured.

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. It is considered that it is not appropriate to include the suggested conditions relating to landscaping as landscaping is to be considered at a further reserved matters stage.

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 Concerns**

### 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.

In the 2011 census the Trewern Ward reported 14% of the population spoke Welsh. This is an increase from the 2001 census which stated that 2.4% of the population of Trewern spoke Welsh. Officers consider that the development of a single dwelling in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area. 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.

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 received on 16th August 2017 (drawing no's: RPP/GD-JOB31-01 REV A, RPP/GD-JOB31-02 REV A, RPP/GD-JOB31-03 REV A).
5. Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. 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 Local Planning Authority approval and implemented as approved and maintained thereafter.
7. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. 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.
9. 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 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.

10. 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.
11. Before any other development commences 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.
12. The width of the access carriageway, constructed as Condition 9 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.
13. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 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.
14. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the package treatment plant or its soakaway installation.
15. The package treatment plant effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.
16. 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.
17. Upon formation of the visibility splays as detailed in condition 8 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.
18. No storm water drainage from the site shall be allowed to discharge onto the county highway.

## **Reasons**

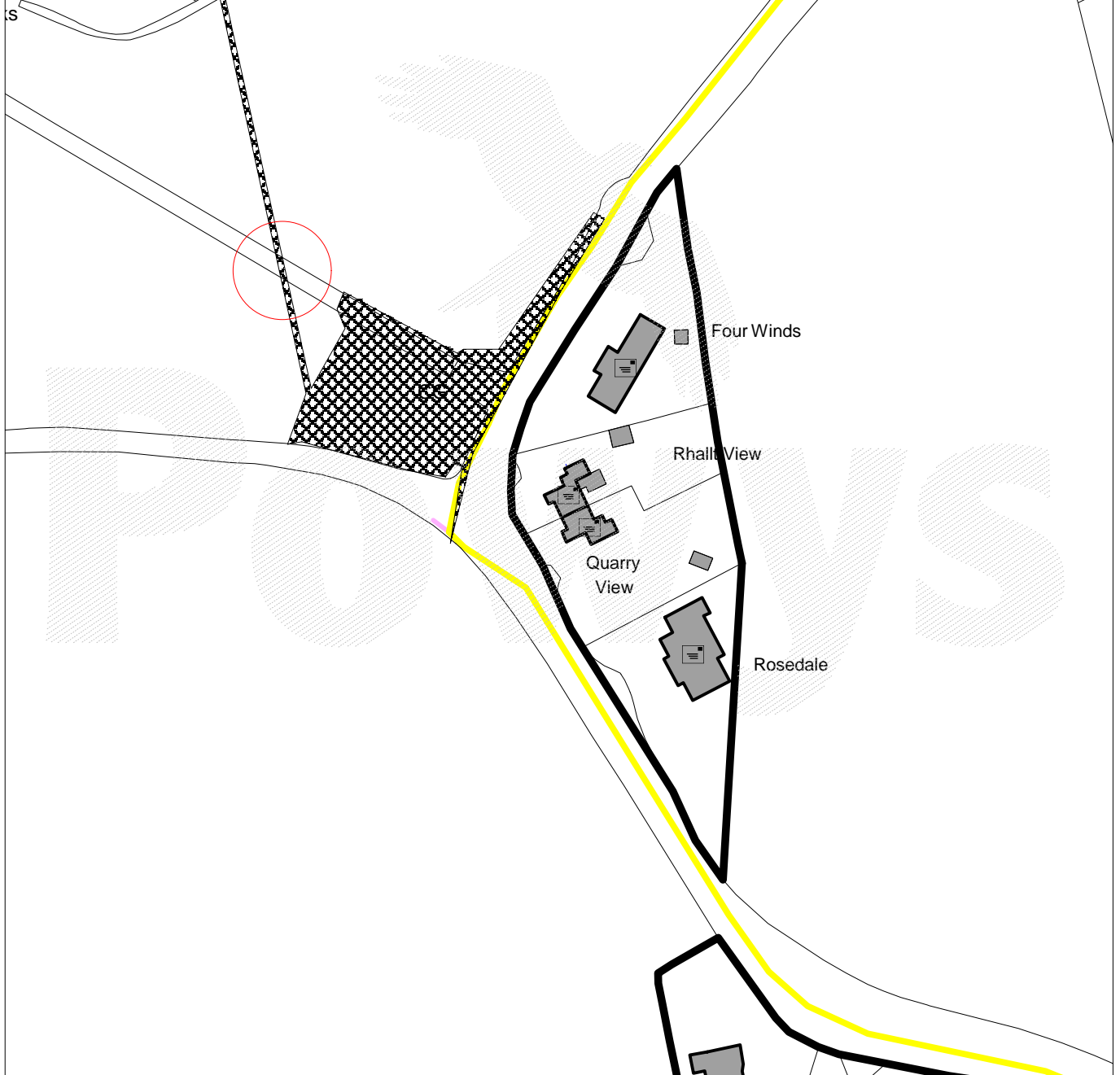
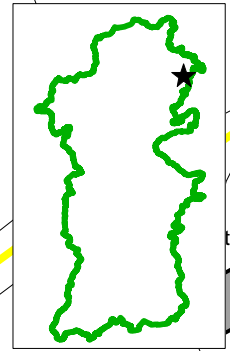
1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and 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. 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.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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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



# 7.16

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

<b>Application No:</b>	P/2017/0949	<b>Grid Ref:</b>	330235.87, 312766.67
<b>Community Council:</b>	Trewern	<b>Valid Date:</b>	<b>Officer:</b> 01/09/2017 Bryn Pryce
<b>Applicant:</b>	Miss A Hilditch, Land adj Hill Cottage, Middletown, Welshpool Powys SY21 8DJ		
<b>Location:</b>	Hill Cottage, Middletown, Welshpool Powys SY21 8DJ		
<b>Proposal:</b>	Full: Erection of a 3 bedroomed dwelling and associated access and landscaping		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The application is a departure from the development plan.

### Site Location and Description

This site is accessed via a private track off the U2237 unclassified highway in the large village of Middletown. The existing site has an extant part implemented planning permission under outline consent P/2015/0741 and reserved matters application P/2016/1063 that was for the erection of a single affordable dwelling. Much of the ground works for this application has been completed with the foundations and footprint of the dwelling consented being in place. The foul drainage system has been installed and access track works started. The works carried out to date are inline with the previously approved plans.

This full application seeks consent for the erection of a 3 bedroomed dwelling and associated access and landscaping. The proposed dwelling is exactly as previously approved as an affordable dwelling however the applicant now seeks a single open market dwelling. This site is located outside of the settlement boundary of Middletown and therefore represents a departure from the Unitary Development Plan 2010.

### Consultee Response

Trewern CC

*Correspondence received 20<sup>th</sup> September 2017*

Trewern Community Council considered this planning application at its meeting on 19 September 2017.

We decided to support this application and agreed that a 106 provision is not appropriate in this case.

## PCC Highways

*Correspondence received 12<sup>th</sup> October 2017*

The County Council as Highway Authority for the County Unclassified Highway, U2237

Wish the following recommendations/Observations be applied  
Recommendations/Observations

No conditions are applicable to this application because it is located off a private road over 250 metres from the nearest public highway.

## PCC Building Control

*Correspondence received 11<sup>th</sup> September 2017*

Building Regulations application required.

## Wales & West Utilities

*Correspondence received 13<sup>th</sup> September 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 14<sup>th</sup> September 2017*

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

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

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

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

Cllr Amanda Jenner

*Correspondence received 22<sup>nd</sup> September 2017*

I write as the local member for the above planning application.

No one has raised any concerns with me regarding this application and having met with the applicant and hearing of the reasons for this application, I feel that this application should be approved and I therefore support it. It will provide a home for a local lady who works within Powys and it is important to support local, hardworking people who wish to continue living within Powys. This application should not, therefore, require a section 106 agreement attached to it.

Should this application not be recommended for approval, I wish to call in the decision to the planning committee so that I may make representations.

Environmental Health

*Correspondence received 21<sup>st</sup> September 2017*

Foul drainage

The application form states that the proposed development will be served by a new package sewage treatment plant, however no further details about the system have been included.

The sewage effluent output from a treatment plant usually takes the form of one of either: a) outfall to local watercourse, or b) dispersal via a drainage field. Option A requires consent to discharge from Natural Resources Wales and option B requires percolation tests to be carried out, in accordance with the approved method in document H2 of the Building Regulations, in order to demonstrate that the ground conditions are suitable. In addition, both options will require confirmation of the capacity of the intended system together with a plan of its intended location.

Please can the applicant/agent provide the information detailed above?

At present I must object to the application due to a lack of information.

*Correspondence received 22<sup>nd</sup> September 2017*

No objection to the foul drainage scheme, subject to NRW consent/exemption for the discharge to watercourse.

PCC Ecology

*Correspondence received 28<sup>th</sup> September 2017*

Thank you for consulting me with regards to planning application P/2017/0949 which concerns the full planning application for erection of a 3 bedroomed dwelling and associated access and landscaping at Hill Cottage, Middletown, Welshpool.

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 190 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 present within 500m of the proposed development.

There are two no –statutory designated sites present within 500m of the development.

### Bats

There appears to be a small structure/shed in close proximity of the development that maybe demolished/removed to accommodate the proposed development. Therefore consideration has been given to the potential for the that structure to support roosting bats – bats being a European protected species. Reviewing aerial images of the surrounding habitat it appears favourable to bats for commuting and foraging with woodlands in close proximity to the proposed development site. Reviewing photographs of the existing structures that are proposed to be demolished it is considered to be unsuitable to support roosting bats. Due to the nature of the buildings' construction it offers limited opportunity for suitable features to support roosting bats.

### Great Crested Newts

I note that there are a number of records of great crested newts within 500m of the proposed development site – consideration for suitability of the development site to support Great Crested Newts was considered – Great Crested Newts being a European Protected Species. Having reviewed information available in form of onsite photographs the habitat present at the site of the proposed development offers unfavourable habitat for great crested newts terrestrial habitat. Given the lack of suitable habitat of the proposed development site, as well as lack of connecting habitats to suitable water bodies it is considered that the proposed development would not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

### Tree and Hedgerow Protection and Replacement Plan

Given the proximity of the proposed development works to surrounding trees and hedgerows to the proposed development site, 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. I do note from the onsite photographs that excavation works have already taken commence on the proposed development site.

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 trees and 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.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features such as woodlands and tree lined water course suitable for mobile wildlife to forage and commute. 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.

#### Landscape planting scheme

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. It is therefore recommended that a Landscape planting 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 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.

In this instance should you be minded to approve the application I consider it would be appropriate to include an informative advising the applicants of the legal status of great crested newts and what actions to take in the unlikely event a great crested newts is encountered during the development works. Suitable wording for an informative covering these details is as follows:

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 an 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.

CPAT

*Correspondence received 11<sup>th</sup> September 2017*

I write to confirm that there are no archaeological implications for the proposed development at this location.

CADW

*Correspondence received 28<sup>th</sup> September 2017*

Thank you for your letter of 17 August 2017 inviting our comments on 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 MG007 Cefn y Castell. 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

The proposed dwelling would be located c 550m south west of the scheduled monument MG007 Cefn y Castell at the foot of the steep rise of Middletown Hill on which the monument, an Iron Age hillfort, is situated. The proposed development would only be visible from the south west periphery of the hillfort, where it would appear in the distance set against an immediate backdrop of other newly built residential properties which are adjacent. In this context any effect on the setting of the monument would be negligible.

## Powys Ramblers Association

*Correspondence received 9<sup>th</sup> October 2017*

Powys Ramblers wish to comment as follows please:

The location plan does not show the nearby right of way. However on page 8 of the design and access statement it says that the right of way would not be affected. If it can be determined that this is the case then the only comment we wish to make is that in the event of planning permission being granted can the applicant please be informed about the importance of keeping the right of way free from obstruction during and after the development works.

## **Representations**

A public site notice was displayed at the site for a period of 21 days. No third party representations have been received by Development Management at the time of writing this report.

## **Planning History**

P/2015/0741 - Erection of 1 affordable dwelling, formation of vehicular access, creation of passing places and demolition of existing sheds and all associated works (outline) (revised proposal)

P/2016/1063 - Reserved matters application in respect of outline planning approval P/2015/0741 for the erection of an affordable dwelling and all associated works – Conditional Consent

NMA/2017/0010 - Application for non material amendment to planning permissions P/2016/1063 (reserved matters) and P/2015/0741 (outline) to allow changes to siting of dwelling and garage - Approved

## **Principal Planning Policies**



## National planning policy

Planning Policy Wales (9<sup>th</sup> edition, 2016)

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

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

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

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

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

Technical Advice Note 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

GP3 – Design and Energy Conservation

GP4 – Highways and Parking Requirements

GP5 – Welsh Language and Culture

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

ENV17 – Ancient Monuments and Archaeological Sites

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

RL6 – Rights of Way and Access to the Countryside

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC11 – Non mains Sewage Treatment

DC13 – Surface Water Drainage

TR2 – Tourist Attractions

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

This application site lies near to the settlement boundary of Middletown (approximately 40 metres) which is classified in the Powys Unitary Development Plan 2010 as a large village. The proposal is for a single open market dwelling and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

The site has a previous approval for an affordable dwelling which has been implemented to foundation level. However, the proposed occupant has been unable to secure funding from a lender for the affordable dwelling due to the property being restricted to an affordable dwelling with a section 106 restriction attached. This full application seeks consent for an open market dwelling to enable the applicant to be able to secure funding for the self-build project.

### 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.

Middletown is defined in the UDP as a large village with four allocated sites, two of which have been completed and one of which has the benefit of planning consent. The final allocated site (M175 HA4 land west of Golfa Close) currently has an outline application pending at the time of writing this report for upto nine dwellings. The settlement itself has a village hall, public house, church, garage/car sales and bus stop.

Middletown is located approximately 6.4 miles south west of the area centre of Welshpool which has a wide range of key services and facilities. Welshpool is readily accessible via public transport from bus stops a short walking distance from the site. The proposed location is considered to be sustainable for the scale of development proposed.

### Scale, Design and Appearance

UDP policies GP1 and GP3 seek to ensure that development proposals complement and where possible, enhance the character and appearance of existing buildings and the surrounding area by reasons of scale, siting, design, mass and materials used.

The submitted plans illustrate the scale, mass, siting and design of the proposed dwelling. The proposed dwelling is to have a gross internal habitable floorspace of approximately 130sq meters with a height to the eaves of 5 meters and a height to the ridge of 7.4 meters. The dwelling is to be set down into the sloping field and will have an access road to the rear of the proposed property to an existing outbuilding. A pitched roof is proposed with a covered balcony to the south elevation access from the master bedroom, with a Juliet balcony to bedroom 2. The details as submitted within the design and access statement suggest that the dwelling is to be constructed of red brick with the roof to be clad in tiles and windows to be white upvc. It is considered that further details should be secured via condition.

This application also provides three car parking spaces, adequate turning space and also a single storey double garage. The proposed garage is to measure 7.4 meters in width and 5.3 meters in length (measured externally). The garage is to have a height to the eaves of 2.5 meters and 5 meters in height to the ridge. Materials indicated on the plan include timber windows, doors and garage doors with a tiled roof and steel rainwater goods. The garages main construction is to be of brick.

In light of the above, the overall scale, design, layout and appearance of the proposed dwelling is considered to be acceptable subject to conditions to secure further details of materials to be used in its construction. The submitted landscaping information is considered to be acceptable. Despite this, the proposed development is considered to fundamentally comply with policies GP1 and GP4 of the Powys Unitary Development Plan 2010.

### Landscape 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.

The proposed siting of the dwelling is in a prominent location and visible from the wider landscape and settlement of Middletown itself. The dwelling is located between two existing dwellings and is on the site of a previously approved affordable dwelling which has been part implemented. The proposed dwelling is designed in manner that is considered to be sympathetic to the character and appearance of the surrounding buildings and area whilst enhancing the appearance of the existing site. On balance, it is considered that the replacement of the existing building with the proposed dwelling will represent and improvement on the visual appearance of the area and of the surrounding landscape.

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.

As part of this application process the highways authority have been consulted and have raised no objections to the proposal and no conditions have been suggested due to the development being off a private road. Officers are satisfied that the proposed development is considered to have an acceptable 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.

### Public Rights of Way

The proposed site is located directly adjacent to two public rights of way footpaths (250/8/1 and 250/5/1). The proposed development will not directly affect the route of the existing public rights of way. Officers consider that the proposed development fundamentally complies with policies RL6 and TR2 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 the council's Environmental Health Officers have been consulted who have raised no objection to the scheme as it is to be served by an existing package treatment plant and will discharge to the watercourse. Severn Trent have also been consulted and have raised no objection to the proposal.

Officers consider 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. It is considered that it is not appropriate to include the suggested conditions relating to landscaping and tree and hedgerow protection as details of the landscaping for the site previously approved under P/2016/1063 have been included as part of this application as shown on plan no. Q035.1.3.203. However, it is considered reasonable to include the suggested condition with regards to a lighting scheme for the site due to the natural features in the area.

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.

### Scheduled Ancient Monument

The proposed dwelling is approximately 550 metres south west of the scheduled ancient monument known as Cefn Y Castell (MG007). As part of this application process CADW have been consulted due to the proximity of the application site to the monument. No objections have been received from CADW in response stating that the proposed development would only be visible from the south west periphery of the monument and that against the backdrop of the other residential properties below would have a negligible effect upon the setting of the Scheduled Ancient Monument.

In light of the above, it is considered that the proposed development fundamentally complies with policy ENV17 of the Powys Unitary Development Plan 2010.

### **Other Legislative Concerns**

#### 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.

In the 2011 census the Trewern Ward reported 14% of the population spoke Welsh. This is an increase from the 2001 census which stated that 2.4% of the population of Trewern spoke Welsh. Officers consider that the development of a single dwelling 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**

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.

#### 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 18th August 2017 (drawing no's: Q035.1.3.200, Q035.1.3.201, Q035.1.3.203, Q035.1.3.204, Q035.1.3.205, Q035.1.3.206, Q035.1.3.207, Q035 1.3.27 REV C).
3. 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 Local Planning Authority approval and implemented as approved and maintained thereafter.
4. Prior to the construction of the dwelling and garage hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling and garage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. 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.
4. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

### **Informative Notes**

#### PCC – Ecology

#### **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 an 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.

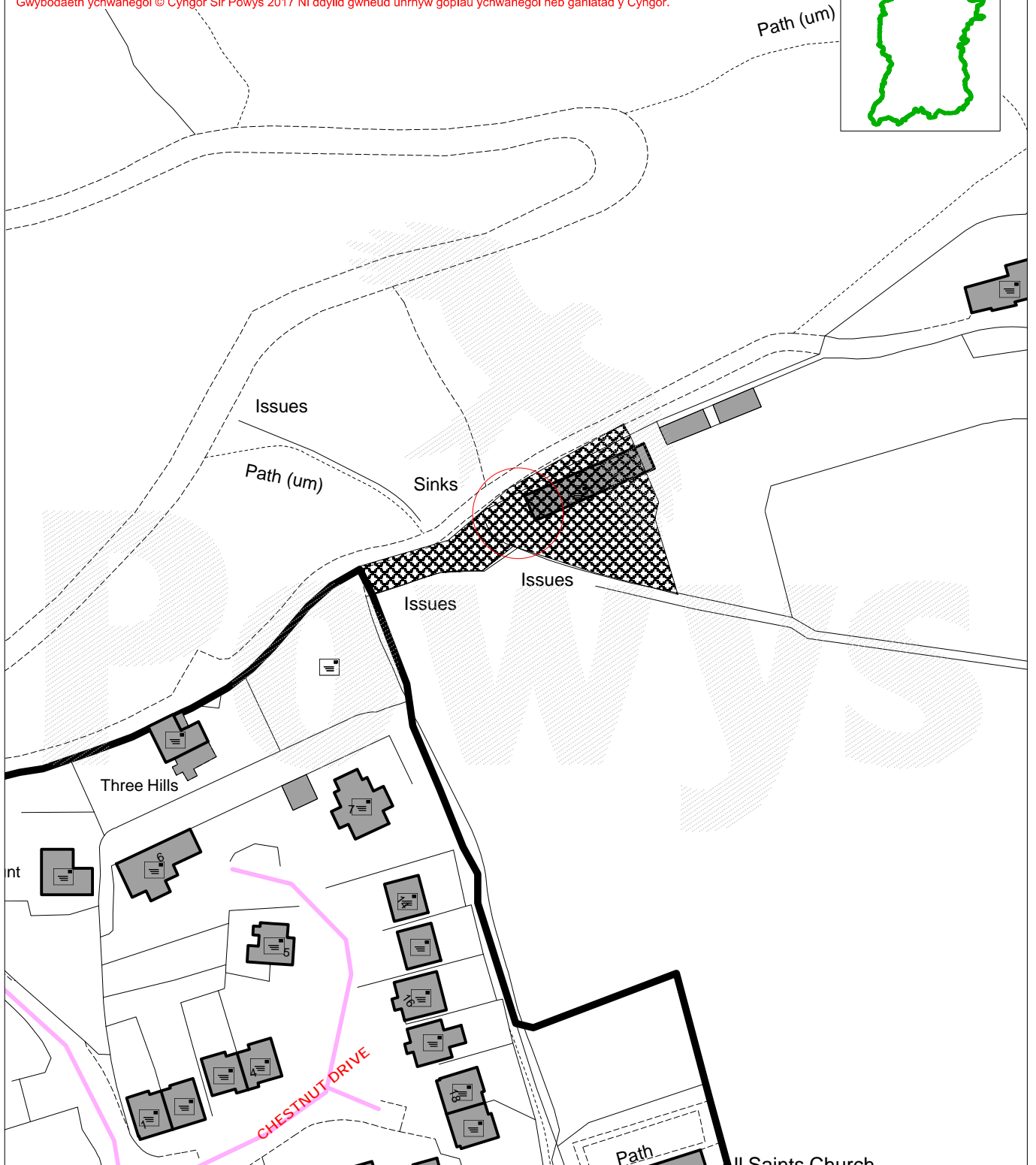
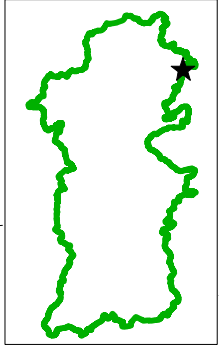
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Case Officer: Bryn Pryce- Planning Officer  
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol



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

# 7.17

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

**Application No:** P/2017/0730

**Grid Ref:** 294097.54  
298835.91

**Community Council:** Carno

**Valid Date:** 06/07/2017  
**Officer:** Luke Jones

**Applicant:** Powys County Council

**Location:** Land over River Carno, Between Talerddig and Carno, Powys

**Proposal:** Full: Construction of new public footbridge on diverted Footpath 29 to facilitate the elimination of five level crossings on the Cambrian Railway Line

**Application Type:** Application for Full Planning Permission

### The reason for Committee determination

As the applicant is Powys County Council.

### Site Location and Description

The site subject of this scheme is located in the Carno valley between the villages of Talerddig and Carno and to the southern side of the A470 trunk road. The proposed footbridge is to be located at the end of an existing unclassified highway U2533 which forms part of the diverted footpath route. The proposed footbridge will be located adjacent to an existing private vehicular access bridge which crosses the Afon Carno.

The proposed footbridge will provide a crossing over the Afon Carno as a result of the diversion of public footpath 29 as a result of a scheme to close 5 level crossings granted permission under reference P/2013/0590.

The proposed footbridge will be constructed from aluminium due to its low maintenance requirements. The footbridge will be supported by simple bank seat supports to prevent the disturbance of existing block stone. The proposed footbridge will measure approximately 9.4 metres in length and 1.8 metres in width. The soffit height of the footbridge is approximately 1.5m above the river bed.

### Consultee Responses

#### Carno Community Council

No objection with comments, seems to be a bit of an overkill given you can walk over the river via a track

#### PCC – Highways

The County Council as Highway Authority for the County Highway, U2533

Wish the following recommendations/Observations be applied.

#### Recommendations/Observations

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.

#### Wales & West Utilities

Wales & West Utilities have been made aware of a planning application on 11.07.2017, advising us of the proposals at:

Cambrian Railway Line, Carno, Caersws, Powys, SY17 5JU

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 and 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.

#### Severn Trent Water

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

#### Natural Resources Wales

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 11/07/2017. NRW have no objection to the above application, as explained in more detail below.

### Flood Risk

The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

We note that the proposal is on a non-main river, therefore we advise the Lead Local Flood Authority (LLFA) are the appropriate department to comment on the design and to issue any ordinary watercourse consent.

### Environmental Management

Due to the proximity of the site to a watercourse, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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.

PCC – Ecologist

Planning Application Reference	P/2017/0730
Project Name / Description	Full: Construction of new public footbridge on diverted Footpath 29 to facilitate the elimination of five level crossings on the Cambrian Railway Line
Consultation Deadline	09/08/2017

Ecological Topic		Observations
EIA Screening Opinion needed?	Unknown / Unconfirmed	The proposals involve the construction of a new footbridge (within a 25m <sup>2</sup> area) over Afon Carno as part of a diversion of Public Footpath 29. The development forms part of a wider scope of works which were previously approved via planning application P/2016/0195. It is therefore expected that the EIA Screening requirements for the whole project would have been dealt with at that time, but I recommend that this is confirmed by the planning officer.
Ecological Information included with application?	Yes	<p>A protected species survey was previously completed for the wider scope of works in 2011 (Pearce Environment) and amphibian survey in 2012 (Amey) (refer to application reference: P/2013/0590) and the findings have therefore been considered for these observations. Considering that these surveys are now six and five years old respectively, I recommended that a current ecological survey <u>is-was</u> completed to determine potential ecological impacts associated with the development.</p> <p>An extended Phase 1 habitat survey was completed by the Powys County Council Planning and Highways Ecologist on 20<sup>th</sup> July 2017 and the report submitted with this application. The survey included an assessment for the presence or potential presence of protected species, including bats, badgers, dormice, reptiles, amphibians and nesting birds. Otters, fish species and nesting birds were identified as potential species that could be affected by the proposed works.</p>

		<p>These observations are also based on an interpretation of available aerial imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service, along with various documents presented with the application such as the Design and Access Statement and Planning Statement.</p> <p>The application site is located over the Afon Carno and is surrounded by improved agricultural grassland and lined by hedgerows and hedgerow trees.</p>
Protected Species & Habitats <sup>1</sup>	European Species <input checked="" type="checkbox"/>	<p>There are historic records of Natterer's and Common Pipistrelle bat species from within 377m to the south of the site.</p> <p>A thorough search around the location of the proposed footbridge and of the river banks 50m up and downstream to identify evidence of otter activity was undertaken as part of the July 2017 ecology survey. No evidence of otter was observed during the survey. The July 2017 ecology report confirms that several features were identified within 50m of the proposed works location which had potential to support otter for resting purposes, however inspection of these features found no evidence to confirm use of these features by otter. Nevertheless, since otters are found on the majority of watercourses in Powys the report includes reasonable avoidance measures to be adopted during the works to ensure minimal impact on otter activity in the area.</p> <p>A presence/absence survey for great crested newts within a small watercourse approximately 50m to the south of the site was completed by Amey in June 2012, although the survey was substandard occurring late in the GCN surveying season and involving only one site visit. The report confirmed that the watercourse provides reasonably favourable breeding habitat for GCN with rushes <i>Juncus</i> species present in abundance on the banks of the watercourse. The grassland also located adjacent to either side of the watercourse provides habitat for refuge from hot, dry conditions. The report therefore recommended that further GCN surveys were undertaken between mid-March to mid-June 2013 when night time temperatures are consistently below 5°C, with at least two of these visits during mid-April to mid-May.</p>

		<p>However, following the extended Phase 1 habitat survey in July 2017 (PCC, 2017) it was considered that there is negligible potential for great crested newt to be present on site, as there are no ponds on the site itself or on adjacent land, a review of OS maps shows the closest pond to be approximately 200m from the site. No records of great crested newt were identified within 1km of the site and previous surveys at the site found no evidence of great crested newt to be present.</p> <p>It is noted that there were previously considered to be no suitable bat roosting trees present on site, and this was confirmed during the 2017 survey. An inspection of the under bridge (which is to be retained within the proposal) found no sign of bat roosting and no suitable crevices (Pearce Environment, Sept 2011) and was confirmed to have negligible potential for roosting bats during the July 2017 survey. However, the July 2017 report (PCC, 2017) confirms that open grassland habitat and hedgerows present on and around the site are likely to provide important feeding and commuting opportunities for bats. It is understood that these features would not be affected.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are historic records of Common Lizard and nesting Barn Owls within 2km of the application site.</p> <p>A survey for water voles within a small watercourse to the south of the site was completed by Amey in June 2012 and no signs of Water Vole were observed at the time.</p> <p>No suitable habitat for reptiles were found as part of the July 2017 survey, and the report concludes that the management of the site suggests that it is unlikely that such species are present. However the report recommends that if any reptiles are encountered during the development works, all works must cease immediately and a qualified ecologist contacted.</p> <p>No badger setts were identified on the site or within the boundary features during the July 2017 survey and no evidence of badger activity was found during the survey; the 2017 report concludes that it is unlikely that badgers are present on site.</p>

		<p>Bird activity on site was noted during the July 2017 survey and the report concludes that it is likely that breeding occurs within the hedgerows and trees on site. The existing bridge was not considered to provide suitable habitat for nesting birds. However, it is understood that there will be no works required to any vegetation suitable for use by nesting birds. The report proposes that where required, vegetation removal will be undertaken outside of the nesting bird season, and that where there are concerns that nesting birds may be present suitable checks will be undertaken by a suitably qualified and experienced Ecologist to confirm that no nesting birds are present.</p>
	<p>Section 7 Species &amp; Habitats <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>The July 2017 Ecology Report (PCC, 2017) confirms that the proposed footbridge crosses the Afon Carno, the eastern boundary of the Afon Carno downstream of the proposed footbridge location is formed by an intact hedgerow and the western boundary of the Afon Carno upstream of the proposed footbridge location is formed by a line of hedgerow trees. Rivers and hedgerows are listed as "habitats of principal importance for the purposes of conserving biodiversity" as identified in Section 7 of the Environment (Wales) Act 2016.</p> <p>The report confirms that no works are proposed to be undertaken within the watercourse or immediately adjacent to the watercourse, nor to any hedgerows or trees. However, given the importance of the Afon Carno for fish species (brown trout, a Section 7 priority species, were observed in the river during the survey) pollution prevention and biosecurity measures will need to be implemented to ensure no negative impacts to water quality or riparian fauna and flora.</p>
	<p>LBAP Species &amp; Habitats <input checked="" type="checkbox"/></p>	<p>Please refer to the observations above.</p>

Protected Sites	International Sites <sup>2</sup> <input type="checkbox"/>	None present within the search area.
	National Sites <sup>3</sup> <input type="checkbox"/>	None present within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None present within the search area.
Invasive Non-Native Species	No	The 2017 ecology report (PCC, 2017) confirmed that no non-native or invasive species were found in the location of the proposed footbridge or within 50m of the proposed works.
Recommendations		I recommend that the planning officer confirms that the relevant EIA Screening requirement for the project as a whole has been fully discharged by the LPA.
Further information required prior to determination of application		None.
Recommended Conditions		<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The mitigation regarding biosecurity, pollution prevention, otters and trees/vegetation in Section 11 of the ecological report by Powys County Council dated July 2017 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,</p>

	<p>November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The Pollution Prevention Measures submitted to the Local Planning Authority within Section 11.3 of the Ecological Report by Powys County Council (July 2017) shall be 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 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><b>Informatives</b></p> <p><b>Birds - Wildlife and Countryside Act 1981 (as amended)</b></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"> <li>• intentionally kill, injure or take any wild bird</li> <li>• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built</li> <li>• intentionally take or destroy the egg of any wild bird</li> <li>• intentionally (or recklessly in England and Wales) disturb any wild bird listed on</li> </ul>
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	<p>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> <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><b>Bats - Wildlife &amp; Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</b></p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any bats.</li> <li>• 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.</li> </ul> <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email <a href="mailto:enquiries@bats.org.uk">enquiries@bats.org.uk</a></p>
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	<p><b>Otters – Wildlife &amp; Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</b></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"> <li>• Deliberately capture, injure or kill an otter;</li> <li>• 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;</li> <li>• Damage or destroy an otter holt;</li> <li>• Intentionally or recklessly disturb any otter whilst it is occupying a holt; or</li> <li>• Intentionally or recklessly obstruct access to a holt.</li> </ul> <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"> <li>• No night working or lighting of the works area;</li> <li>• Ensuring that no barriers to movement of otters along the river are created;</li> <li>• Keep unnecessary noise to a minimum during the works; and</li> <li>• Do not light any fires close to areas of vegetation.</li> </ul> <p><b>Reptiles - Wildlife &amp; Countryside Act 1981 (as amended)</b>  All UK native reptile species are protected by law. The Wildlife &amp; Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7</p>
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	list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
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 5: Nationally Important Sites ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
Comments on Additional Information	N/A

Document Author	Chris Jones	Approved by	Rhydian Roberts
Version	2	Approved Date	04/08/2017

## PCC – Land Drainage

The Lead Local Flood Authority has no objection to the proposals but would advise that there is need for the applicant to secure an Ordinary Watercourse Consent (OWC) prior to commencement of the work. Further details regarding the OWC can be obtained from the County Council’s Land Drainage team (email: land.drainage@powys.gov.uk).

## **Public Response**

Following display of a site notice on the 20/07/2017, there have been no public representations received.

## **Planning History**

P/2016/0195 - Creation of 4 attenuation ponds, Widening and providing set-back for previously consented field access's and relaxing a batter slope, Conditional Consent

DIS/2016/0072 - Application to discharge condition no.7 attached to planning permission P/2013/0590 (biodiversity enhancement plan), Approved

P/2013/0590 - Full: Closure of 5 no. level crossings located on the Shrewsbury to Aberystwyth Railway Line, the construction of 2 no. new road overbridges over the railway, the construction of 1 no. new bridge over the river carno, construction of new approach roads (to link the new bridges in with existing roads/highways), the closure of an existing access to the A470 trunk road and the formation of a new access to the trunk road and stopping up/diversion/closure of existing highways and bridleways/footpaths. Conditional Consent

## **Planning Constraints**

Public Rights of Way  
C2 Flood Zone  
A470 Trunk Road  
Unclassified Roads  
Dyfi Biosphere  
Railway Land  
Talerddig Railway Cutting

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (Edition 9, November 2016)  
Technical Advice Note 15 - Development and Flood Risk (2004)  
Technical Advice Note 5 – Nature Conservation and Planning (2009)

### Local Policies

UDP DC1 - Access by Disabled Persons  
UDP DC13 - Surface Water Drainage  
UDP DC15 - Development on Unstable or Contaminated Land  
UDP ENV 17 - Ancient Monuments & Archaeological Sites  
UDP ENV 18 - Development Proposals Affecting Archaeological Sites  
UDP ENV 2 - Safeguarding the Landscape  
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats  
UDP ENV 7 - Protected Species  
UDP GP4 - Highway and Parking Requirements  
UDP RL4 - Outdoor Activity and Pony Trekking Centres  
UDP RL6 - Rights of Way and Access to the Countryside  
UDP SP14 - Development In Flood Risk Areas  
UDP T10 - Rail Facilities & Operations

## **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

Policy RL6 states that proposals that improve access to and enjoyment of the countryside by the public including persons with limited mobility will be encouraged in particular support will be given to continued maintenance and enhancement of existing rights of way.

According to the pre-ambule to UDP policy T10, the Cambrian main line is one of the principal railway services in the County. This policy seeks to support the improvement and enhancement of rail services within the County, and refers to the need highlighted in the Regional Transport Plan to invest in the frequency and quality of rail services in the area.

### Landscape, Design and Siting

UDP policy ENV2 requires proposals to take into account the high quality of the landscape in Powys and to be appropriate and sensitive to the landscape surroundings. In considering landscape impact, consideration should be given to the sensitivity of the particular landscape and the potential impact on its character and appearance.

The proposed development includes the installation of a new public footbridge to provide a crossing over the Afon Carno as a result of the diversion of public footpath 29, due to the scheme to close 5 level crossing granted permission under planning reference P/2015/0590. The proposed footbridge is to be located adjacent to an existing private vehicular access bridge which crosses over the Afon Carno. The proposed footbridge is adjacent to an existing vehicular bridge which helps minimise any possible impact on the landscape and surrounding area.

The proposed footbridge will be constructed from aluminium due to its low maintenance requirements. The footbridge will be supported by simple bank seat supports to prevent the disturbance of existing block stone. The proposed footbridge will measure approximately 9.4 metres in length and 1.8 metres in width. The soffit height of the footbridge is approximately 1.5m above the river bed.

The proposed footbridge is required for the safety of footpath users due to the Afon Carno being a flash flood river.

### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area. The Local Highway Authority has been consulted on this application and recommended the inclusion of a condition regarding parking of all construction vehicles together with a vehicle turning area. Having considered the proposed development it is unlikely that the proposed footbridge will have a detrimental impact on highway safety.

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

### Flood Risk

The application site lies partially within the C2 flood zone, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

Powys Land Drainage as Lead Local Flood Authority has been consulted on the application and raised no objection to the proposals but would advise that there is need for the applicant to secure an Ordinary Watercourse Consent (OWC) prior to commencement of the work.

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

### Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the Ecologist was consulted with regard to this application.

The Ecologist noted the application site is located over the Afon Carno and is surrounded by improved agricultural grassland and lined by hedgerows and hedgerow trees. The officer noted there are historic records of Natterer's and Common Pipistrelle bat species from within 377m to the south of the site.

No evidence of otter activity was observed during the survey. The July 2017 ecology report confirms that several features were identified within 50m of the proposed works location which had potential to support otter for resting purposes, however inspection of these features found no evidence to confirm use of these features by otter. Nevertheless, since otters are found on the majority of watercourses in Powys the report includes reasonable avoidance measures to be adopted during the works to ensure minimal impact on otter activity in the area.

A presence/absence survey for great crested newts within a small watercourse approximately 50m to the south of the site was completed by Amey in June 2012, although the survey was substandard occurring late in the GCN surveying season and involving only one site visit. The report confirmed that the watercourse provides reasonably favourable breeding habitat for GCN with rushes *Juncus* species present in abundance on the banks of the watercourse. The grassland also located adjacent to either side of the watercourse provides habitat for refuge from hot, dry conditions. The report therefore recommended that further GCN surveys were undertaken between mid-March to mid-June 2013 when night time temperatures are consistently below 5°C, with at least two of these visits during mid-April to mid-May.

However, following the extended Phase 1 habitat survey in July 2017 (PCC, 2017) it was considered that there is negligible potential for great crested newts to be present on site, as there are no ponds on the site itself or on adjacent land, a review of OS maps shows the closest pond to be approximately 200m from the site. No records of great crested newt were identified within 1km of the site and previous surveys at the site found no evidence of great crested newt to be present.

It is noted that there were previously considered to be no suitable bat roosting trees present on site, and this was confirmed during the 2017 survey. An inspection of the under bridge (which is to be retained within the proposal) found no sign of bat roosting and no suitable crevices (Pearce Environment, Sept 2011) and was confirmed to have negligible potential for roosting bats during the July 2017 survey. However, the July 2017 report (PCC, 2017) confirms that open grassland habitat and hedgerows present on and around the site are likely to provide important feeding and commuting opportunities for bats. It is understood that these features would not be affected.

There are historic records of Common Lizard and nesting Barn Owls within 2km of the application site. A survey for water voles within a small watercourse to the south of the site was completed by Amey in June 2012 and no signs of Water Vole were observed at the time. No suitable habitats for reptiles were found as part of the July 2017 survey, and the report concludes that the management of the site suggests that it is unlikely that such species are present. However the report recommends that if any reptiles are encountered during the development works, all works must cease immediately and a qualified ecologist contacted.

No badger setts were identified on the site or within the boundary features during the July 2017 survey and no evidence of badger activity were found during the survey; the 2017 report concludes that it is unlikely that badgers are present on site.

Bird activity on site was noted during the July 2017 survey and the report concludes that it is likely that breeding occurs within the hedgerows and trees on site. The existing bridge was not considered to provide suitable habitat for nesting birds. However, it is understood that there will be no works required to any vegetation suitable for use by nesting birds. The report proposes that where required, vegetation removal will be undertaken outside of the nesting bird season, and that where there are concerns that nesting birds may be present suitable checks will be undertaken by a suitably qualified and experienced Ecologist to confirm that no nesting birds are present.

The Ecologist recommends the inclusion of a number of conditions and an informative note regarding bats and birds.

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

## **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 complies with relevant planning policy. The proposed development will not cause a detrimental impact on the landscape due to being located near to an existing vehicular access bridge and is unlikely to have an impact on biodiversity. The recommendation is therefore 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 stamped as approved on XXXXXX (drawing no's: 03C, PL3\_001).
3. 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

4. The mitigation regarding biosecurity, pollution prevention, otters and trees/vegetation in Section 11 of the ecological report by Powys County Council dated July 2017 shall be adhered to and implemented in full.

5. The Pollution Prevention Measures submitted to the Local Planning Authority within Section 11.3 of the Ecological Report by Powys County Council (July 2017) shall be implemented as approved and maintained thereafter.

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.

## **Reasons**

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

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

3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

4. 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.

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

## **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.

### **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.

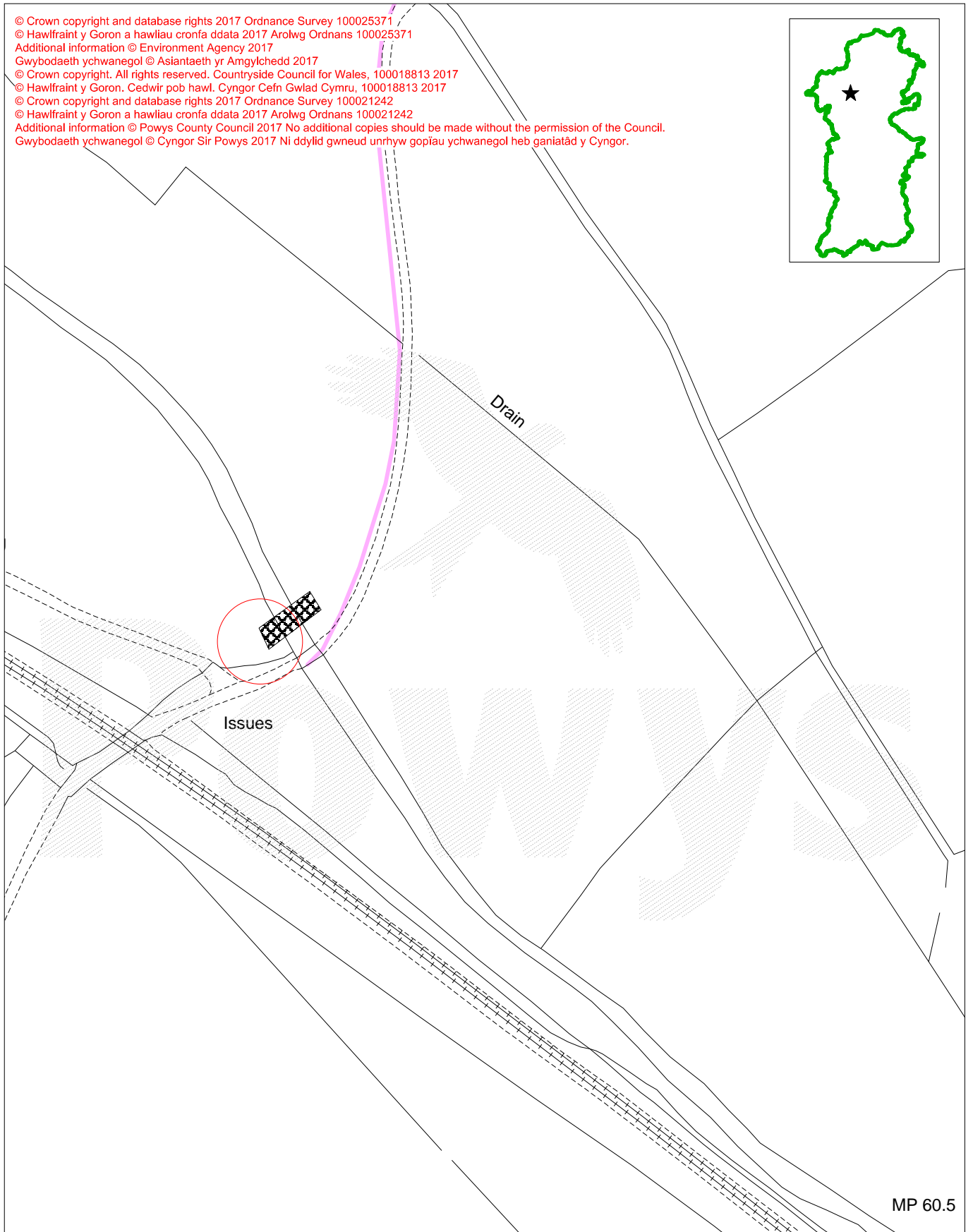
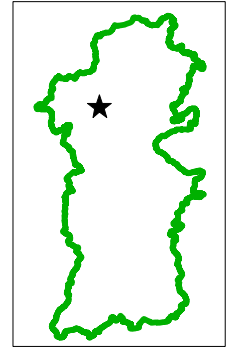
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has 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](mailto:enquiries@bats.org.uk)

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Case Officer: Luke Jones- Planning Officer  
Tel: 01597 827115 E-mail:[luke.jones@powys.gov.uk](mailto:luke.jones@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

# 7.18

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

**Application No:** P/2017/0845

**Grid Ref:** 322508.59  
308227.47

**Community Council:** Welshpool

**Valid Date:** 19/07/2017  
**Officer:** Luke Jones

**Applicant:** Powys County Council

**Location:** 11 Burgess Croft, Welshpool, Powys, SY21 7RJ

**Proposal:** Householder: Alterations to highway/kerb to provide access to driveway. Creation of new driveway and all internal and external adaptation works.

**Application Type:** Householder Application

### The reason for Committee determination

As the applicant is Powys County Council.

### Site Location and Description

The application site is located within the community council area of Welshpool. The site is located within a residential area of the town with neighbouring dwellings to the south and east. To the north are further neighbouring dwellings and open countryside and to the east is open countryside.

The proposal includes the creation of a new driveway to the rear of the existing dwelling; the proposal also includes alterations to the highway/kerb to provide access to the new driveway as well as internal and external adaptation works. The existing rear garden lawn is to be replaced with a new permeable drive, while the leylandii hedge will also be removed and replaced with a close boarded panel fence.

### Consultee Responses

#### Welshpool Town Council

No comments received at the time of writing this report

#### PCC – Highways

The County Council as Highway Authority for the County Unclassified Highway, U4411

Whilst the Highway Authority is not opposed to the development and the alteration to the footway, we will need further details to be submitted, prior to any works being commenced, to ensure that the finished gradient is suitable for all pedestrians that may wish to cross this drive entrance to gain access to the amenity land adjacent.

Recommendation:

Prior to any works being commenced on site the applicant shall submit and have approved in writing by the Local Planning Authority full engineering details for the proposed alteration to the footway and new drive.

Prior to any other works being commenced on the dwelling, the altered footway and new drive shall be fully completed to the written satisfaction of the Local Planning Authority.

In the interests of highway safety.

#### PCC – Building Control

Building Regulations application required.

#### Wales & West Utilities

Wales & West Utilities have been made aware of a planning application on 31.07.2017, advising us of the proposals at:

11, Burgess Croft, Red Bank, Welshpool, Powys, SY21 7RJ

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 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 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

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

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

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

#### PCC – Ecology

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 459 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There is one statutory designated sites present within 500m of the proposed developments:

#### Bron-y-Buckley Wood – SSSI

Having considered the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated sites or their associated features.

There are no non-statutory designated sites present within 500m of the proposed developments.

Given the proposed developments involve demolition of an existing structure (Sheds), consideration has been given to the potential for the existing structure to support roosting bats – bats being a European protected species.

However, the existing structure that is proposed to be removed small wooden structure which offers little opportunity and unsuitable features to support roosting bats. In light of this assessment I consider that no further information is considered necessary to determine the potential impact of the proposed development on bats.

From submitted plans it appears that a leylandii hedge will be removed to accommodate the new proposed access.

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 trees and 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.

The leylandii hedge may offer bird nesting opportunities. The provisions of appropriate bird nest boxes should be considered to compensate for the potential loss of bird nesting habitat.

It should be recommended that removal of the hedge should take place outside of the bird nesting season (March- August inclusive) in order to avoid disturbance to nesting birds.

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 Replacement 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.

In this instance should you be minded to approve the application I consider it would be appropriate to include an informative advising the applicants of the legal status of nesting birds. Suitable wording for an informative covering these details is as follows:

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.

## **Public Response**

Following display of a site notice on 03/08/2017, there have been no public representations received.

## **Planning History**

None

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (Edition 9, November 2016)  
Technical Advice Note 5: Nature Conservation and Planning.  
Technical Advice Note (TAN) 18 – Transport (2007)

### Local Policies

DC1 – Access by Disabled Persons  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
TP1 – Highway Improvement Schemes

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

UDP policy GP4 sets out the general requirements applied to all highway developments such as this proposal. The main planning considerations relating to this type of proposal are adequate provision for visibility, turning, and passing and dropped kerbs. The proposed development seeks to create a new driveway as the existing driveway is very steep and not very accessible.

In light of the above it is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy subject to the following:

### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The proposed development includes the creation of a new driveway to the rear of the property and alterations to the highway and kerb crossing to provide access to the new driveway. The proposed alterations will provide a level parking area and level access to the entrance doors as well as turning space. The existing driveway is to the front of the property and is of a very steep topography. The proposed new driveway to the rear of the existing property will provide a far easier point of access in general and will also provide sufficient access for wheelchair users.

The proposed driveway will be finished with tarmacadam, the new driveway will provide a level platform for easier access to the dwelling than currently offered by the existing steep sloping driveway.

The Local Highway Authority has been consulted regarding the application as Highway Authority for the County Unclassified Highway, U4411. The Highway Authority noted whilst it is not opposed to the development and the alteration to the footway, the Highway Authority will require further details to be submitted prior to any works being commenced, to ensure that the finished gradient is suitable for all pedestrians that may wish to cross this drive entrance to gain access to the amenity land adjacent. The Highway Authority recommended the inclusion of two conditions.

In light of the above it is therefore considered that the proposed development will fundamentally improve the existing access to the property and will therefore provide a safer access to the dwelling as well as providing suitable access for wheelchair users.

It is therefore considered that subject to the recommended conditions the proposed development fundamentally complies with UDP policy GP4.

### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

It is considered that the proposed development will not have an unacceptable impact on any neighbouring properties in terms of loss of daylight or a negative impact upon any loss of privacy of neighbouring dwellings.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties and therefore fundamentally complies with relevant planning policy.

### Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the PCC Ecologist was consulted with regard to this application.

The Ecologist 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 459 records of protected and priority species within 500m of the proposed development, although no records were for the site itself. There is one statutory designated sites present within 500m of the proposed developments:

#### Bron-y-Buckley Wood – SSSI

Having considered the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated sites or their associated features.

The Ecologist noted given the proposed development involves demolition of an existing structure (Sheds), consideration has been given to the potential for the existing structure to support roosting bats – bats being a European protected species.

However, the existing structure that is proposed to be removed is a small wooden structure which offers little opportunity and unsuitable features to support roosting bats. In light of this assessment the Ecologist considers that no further information is considered necessary to determine the potential impact of the proposed development on bats.

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 and species used will need to be native and reflect the hedgerows present in the local area.

The Ecologist therefore recommended the inclusion of a condition regarding a Tree and Hedgerow Replacement plan. The Ecologist also recommended the inclusion of an informative advising the applicants of the legal status of nesting birds.

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

### **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 considered that the proposal complies with relevant planning policy. The recommendation is therefore 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 stamped as approved on XXXXXXXX (drawing no's: 1001C, 1002C, Site Location Plan).

3. Prior to any works being commenced on site the applicant shall submit and have approved in writing by the Local Planning Authority full engineering details for the proposed alteration to the footway and new drive. Development thereafter shall be completed in full accordance with the details as approved.

4. Prior to commencement of development a Tree and Hedgerow Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

### **Reasons**

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

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

3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

4. 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.

### **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.

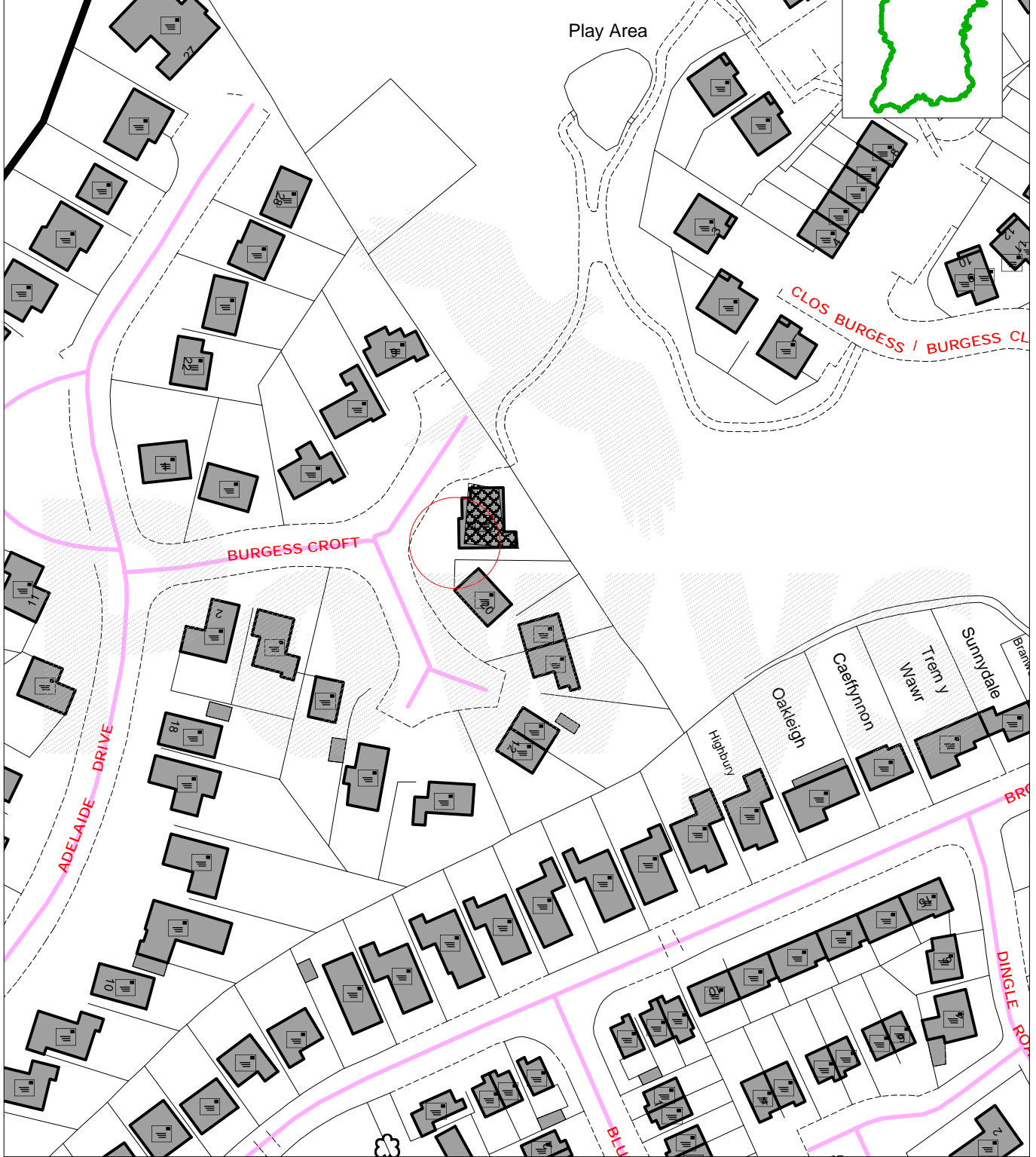
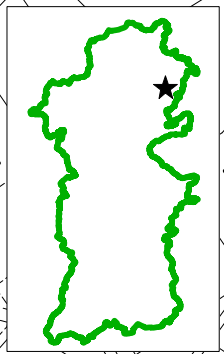
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually 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.

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





## Delegated List

**27/09/2017****18/10/2017**

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**

<b>Application No.</b>	<b>Valid Date</b>	<b>Decision</b>	<b>Decision notice sentdate</b>	<b>Proposal</b>	<b>Location</b>
P/2017/0309 FULL	21/03/2017	CONSENT	28/09/2017	Full: Demolition of existing cottage, construction of replacement cottage to include new access road and installation of septic tank and all associated works	Common Cottage Glasbury  HR3 5NY
P/2017/0500 FULL	23/05/2017	REFUSE	28/09/2017	Full: Extension to dwelling and use of former agricultural building as a swimming pool.	Oaktree Barn Guilsfield Welshpool SY21 9DT

<b>Application No.</b>	<b>Valid Date</b>	<b>Decision</b>	<b>Decision notice sentdate</b>	<b>Proposal</b>	<b>Location</b>
P/2017/0639 FULL	15/06/2017	CONSENT	28/09/2017	FULL: Erection of 2 camping pods and associated works	Pwllpridd Maengwynedd Llanrhaeadr Ym Moch  SY10 0DE
P/2017/0691 FULL	11/07/2017	CONSENT	28/09/2017	Full: Change of use from shop (A1) to residential (C3) - to be incorporated into London House	Former Post Office Llanfair Caereinion High Street Welshpool  SY21 0QS
P/2017/0715 FULL	26/07/2017	CONSENT	28/09/2017	Full: Erection of a storage building	Land at Unit G  Mochdre Industrial Estate Newtown  SY16 4LE
P/2017/0777 FULL	06/07/2017	CONSENT	28/09/2017	Full: Alterations to vehicular access	Morrisons Supermarket  Berriew Road Welshpool  SY21 7SQ
P/2017/0859 HOUS	04/08/2017	CONSENT	28/09/2017	Householder: Erection of a detached garage and log store.	Gwendoline Pen-y-Bont Fawr Oswestry  SY10 0EL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0867 FULL	10/08/2017	CONSENT	28/09/2017	FULL: Installation of air conditioning units and associated grilles to existing building	Kingdom Hall Of Jehovah's Witnesses Llys Ifor Newtown  SY16 2DB
P/2017/0916 FULL	08/08/2017	CONSENT	28/09/2017	Full: Change of use of unit 32 from class B2 use (light industrial) to class A1 use (retail) together with all associated external works as part of amalgamation of units 31 & 32	Unit 31 & 32 Heol Vastre Vastre Industrial Estate Newtown  SY16 1DZ
P/2017/1025 ADV	04/09/2017	CONSENT	28/09/2017	ADVERT: Consent to display a non-illuminated fascia sign and projecting sign	7A Bear Lanes Shopping Centre  Broad Street Newtown  SY16 2QZ
P/2017/0824 RES	17/07/2017	CONSENT	29/09/2017	Reserved matters application for the construction of an affordable dwelling and detached garage encompassing appearance, scale, layout and landscaping	Land adjacent to Glandwr Burgedin  Guilsfield  SY21 9LN
P/2017/0858 HOUS	04/08/2017	CONSENT	29/09/2017	Householder: Build up over existing garage to form new attached rooms, including extending into back garden and conversion of pitched to flat roof to form a terrace at rear.	Fairview Clyro  Hereford  HR3 5SD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0744 FULL	29/06/2017	CONSENT	04/10/2017	Full: Improvements to vehicular access	Vaenor Park Bryn Du Road Llanidloes  SY18 6DN
P/2017/0761 FULL	10/07/2017	CONSENT	04/10/2017	Full: Formation of pavement to rear and side of building	Town Hall Hyssington Arthur Street Montgomery  SY15 6PA
P/2017/0866 HOUS	07/08/2017	CONSENT	04/10/2017	Householder: Demolition of existing conservatory and erection of a single storey rear extension, porch and new first floor window to landing.	Cedars House Llandrinio Llanymynech SY22 6SB
P/2017/0878 HOUS	11/08/2017	CONSENT	04/10/2017	Householder: Proposed single storey extension	Rose Meadows Nantmel Llandrindod Wells  LD1 6EL
P/2017/0924 HOUS	22/08/2017	CONSENT	04/10/2017	Householder: Proposed erection of a first floor extension over the existing ground floor family room	1 Glanwye View Llanfaredd Builth Wells  LD2 3UF

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0950 RES	21/08/2017	CONSENT	04/10/2017	Reserved matters: Erection of a single dwelling following P/2017/0266 in relation to access, appearance, landscaping, layout and scale	Plot adjacent to Bluebell Cottage Dolau Llandrindod Wells LD1 5TL
P/2017/0973 CLA1	29/08/2017	APPROVE	04/10/2017	Section 191 application - Certificate of lawfulness for an existing use in relation to a second storey extension and balcony	Broadlands Llanddewi Llandrindod Wells LD1 6SE
P/2017/0572 HOUS	22/05/2017	CONSENT	05/10/2017	Householder: Extension to existing farmhouse.	Pant Rhulen Builth Wells LD2 3UY
P/2017/0723 OUT	27/06/2017	CONSENT	05/10/2017	Outline: Erection of rural enterprise dwelling, alterations to vehicular access and septic tank drainage	Cefn Hir Newtown SY16 4JZ
P/2017/0746 LBC	20/07/2017	CONSENT	05/10/2017	LBC: Works to listed building for installation of 2 no. face mounted antennas on each of the 4 external elevations of the existing clock tower (8 in total) which will be enclosed within a GRP surround and painted to match the tower stone work	Welshpool Town Hall High Street Welshpool SY21 7JQ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0750 OUT	30/06/2017	CONSENT	05/10/2017	Outline: Erection of an affordable dwelling, installation of foul sewage treatment plant, formation of new vehicular access (some matters reserved)	Europa Plain Fronchas Welshpool SY21 9BW
P/2017/0862 RES	10/08/2017	CONSENT	05/10/2017	Reserved matters application in respect of planning approval P/2016/1245 for the erection of a rural workers dwelling, new access, installation of a septic tank and all associated works	Fan Lland New Radnor Presteigne LD8 2TW
P/2017/0584 FULL	06/06/2017	CONSENT	06/10/2017	Change of Use - Proposed extension to caravan site (to include caravans, tents, log pods, toilet/shower block and parking bays) & improved landscaping	Pentwyn Farm Cradoc Brecon LD3 9LP
P/2017/0952 ADV	21/08/2017	CONSENT	06/10/2017	Application for consent to display various advertisements including illuminated and non-illuminated signage	Co-Operative Supermarket and Premises Brecon Road Builth Wells LD2 3ED
P/2015/0959 REM	30/09/2015	CONSENT	09/10/2017	Section 73: Variation of conditions 5 & 6 of P/2014/1021 (additional sources of feedstock, and an increased plant throughput and output)	Argoed Trefeglwys Caersws SY17 5QT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0508 FULL	28/06/2017	CONSENT	09/10/2017	FULL: Agricultural workers dwelling and installation of package treatment plant	land at Heartsease  Knighton  LD7 1LU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0852 HOUS	24/07/2017	CONSENT	09/10/2017	Householder: Proposed conversion of an existing studio to ancillary accommodation.	Dolfan Barn Beulah Llanwrtyd Wells LD5 4UE
P/2017/0348 FULL	24/07/2017	CONSENT	10/10/2017	Full: Erection of an agricultural building	Garth Ucha Moelygarth Welshpool SY21 9BX
P/2017/0603 HOUS	07/06/2017	REFUSE	10/10/2017	Householder: Erection of a front porch and rear extension and all associated works	1 Moonlight Barns Churchstoke Upper Snead Montgomery SY15 6EB



Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0631 HOUS	26/07/2017	CONSENT	10/10/2017	Householder: Demolition of existing utility room and wood store and erection of new utility room and woodstore	Penllys Bach  Llanfechain  SY22 6XE
P/2017/0646 LBC	30/06/2017	REFUSE	10/10/2017	LBC: Repainting of exterior of Listed Building	School House Tregynon  Newtown  SY16 3EH
P/2017/0694 FULL	12/07/2017	CONSENT	10/10/2017	Change of use of converted barn to holiday let accommodation and the laying of a patio.	Penraig Llangynog Oswestry  SY10 0HA
P/2017/0741 OUT	06/07/2017	REFUSE	10/10/2017	Outline : Erection of 1x affordable dwelling, formation of vehicular access, installation of a septic tank and all associated works	Land adj 'The Fron' Geuffordd  Sarnau  SY22 6QL
P/2017/0753 FULL	12/07/2017	CONSENT	10/10/2017	Full: Erection of an agricultural building	Glanbechan Bettws Cedewain  Newtown  SY16 3BM

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0803 HOUS	02/08/2017	CONSENT	10/10/2017	Householder: Erection of a two storey side extension, single storey rear extension and some internal alterations.	Gwys House Upper Cwmtwrch Giffach Road Swansea  SA9 2XD
P/2017/0891 LBC	02/08/2017	REFCADW	11/10/2017	LBC: Works to bridge to include repairs to bridge parapets, bridge deck to be strengthened, repairs to wrought iron railings and pointing work on bridge abutments	Glanhafren Bridge  Montgomery Canal A483 North of Abermu  SY15 6NA
P/2017/0919 HOUS	18/08/2017	CONSENT	11/10/2017	Householder: Installation of new UPVC windows and doors to replace existing	1 - 3 Llynllloedd Lane Machynlleth  SY20 8EA
P/2017/0935 HOUS	23/08/2017	CONSENT	11/10/2017	Householder: Demolition of existing rear extension and erection of a new single storey extension	93 Upper Cwmtwrch Heol Gleien Swansea  SA9 2UF
P/2017/0333 OUT	28/03/2017	CONSENT	12/10/2017	Outline: Erection of up to 9 dwellings with garages, formation of a vehicular access & associated works	Land adj Golfa Close Middletown  SY21 8EZ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0367 FULL	03/05/2017	CONSENT	12/10/2017	Full: Erection of extension to existing poultry unit to accommodate 6000 free range chickens (egg production)	Middle Crochren Llaithddu Llandrindod Wells LD1 6YT
P/2017/0681 FULL	16/06/2017	CONSENT	12/10/2017	FULL: Erection of an extension to existing poultry unit and associated works	Land Adj to Holbach Mill Kinnerton Presteigne LD8 2PE
P/2017/0784 FULL	10/07/2017	CONSENT	12/10/2017	Full: Demolition of 2 no. existing buildings and construction of new lorry workshop	Station Yard Abermule Montgomery SY15 6NH
P/2017/0917 FULL	08/08/2017	CONSENT	12/10/2017	Full: Erection of Pub/Restaurant with associated living accommodation, car parking and landscaping	Land to West of Tesco Store Ystradgynlais Wind Road SA9 1AD
P/2017/0961 REM	21/08/2017	CONSENT	12/10/2017	Section 73 application for variation of condition 2 of P/2014/1233 in relation to amendment of previously approved plans	Old School House Cascob Presteigne LD8 2NT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0963 REM	17/08/2017	CONSENT	12/10/2017	Section 19 application for variation of condition 2 of P/2014/1237 in relation to amendment of previously approved plans	Old School House Cascob Presteigne LD8 2NT
P/2017/1011 CLA1	30/08/2017	APPROVE	12/10/2017	Application for lawful development certificate (Section 191) in respect of lawful commencement for erection of 3 dwellings, new access and installation of septic tank	Land adjoining The Old Rectory Newchurch Llandrindod wells HR5 3QF
P/2017/0967 HOUS	23/08/2017	REFUSE	13/10/2017	Householder: Erection of a two storey rear and side extension to provide a new kitchen space and to facilitate passive solar warming	Chapel House Builth Wells LD2 3YR
P/2017/0459 LBC	25/05/2017	CONSENT	16/10/2017	Listed building consent for replacement of roof tiles to properties 1,2 & 3 together with installation of 2 no. rooflights to lower rear roof of properties 2 & 3, replacement of existing rooflight with a conservation rooflight and the rebuilding of	1,2 & 3 Castle Dyche Scottleton Street Presteigne LD8 2BL
P/2017/0618 OUT	07/06/2017	REFUSE	16/10/2017	Outline application for erection of 3 dwellings and garages, formation of vehicular accesses, installation of sewage treatment plants and all associated works	Land at Pontdolgoch Caersws SY17 5NU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0752 OUT	30/06/2017	REFUSE	16/10/2017	Outline: Erection of a dwelling and all associated works (outline with all matters reserved) (resubmission)	Plot 1, Tan y Gaer Plot 1 Guilsfield  Welshpool  SY21 9PR
P/2017/0755 OUT	30/06/2017	REFUSE	16/10/2017	Outline: Erection of a dwelling and all associated works (outline with all matters reserved) (resubmission)	Plot 2 , Tan y Gaer Guilsfield  Welshpool  SY21 9PR
P/2017/0763 FULL	13/07/2017	CONSENT	16/10/2017	Full: Change of use from office accommodation to residential dwelling	Bronllys Hospital Mansion House Bronllys  Brecon  LD3 0LD
P/2017/0772 HOUS	06/07/2017	CONSENT	16/10/2017	Householder: Erection of a first floor extension to the rear and linked single storey side extension.	The Street Guilsfield Gwreiddyn Lane Welshpool  SY21 9DT
P/2017/0901 HOUS	21/08/2017	CONSENT	16/10/2017	Householder: Erection of an extension and all associated works	24 West Street Builth Wells  LD2 3AL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0902 LBC	24/08/2017	REFCADW	16/10/2017	LBC: Erection of an extension and all associated works	24 West Street Builth Wells  LD2 3AL
P/2017/0714 HOUS	26/06/2017	CONSENT	17/10/2017	Householder: Erection of a two storey and single storey extensions to provide additional accommodation and garage and demolition of existing out buildings.	Tanyboncyn Llanrhaeadr Ym Morchudd Oswestry  SY10 0BP
P/2017/0923 HOUS	11/08/2017	CONSENT	17/10/2017	Householder: Erection of a two storey side extension.	Pwll-yr-Hwch Llangadfan  Welshpool  SY21 0QH
P/2016/0559 OUT	19/05/2016	CONSENT S106	18/10/2017	Outline planning permission for the erection of a rural workers dwelling with all matters reserved	Lea Hall Farm Llangunllo Knighton  LD7 1SU
P/2017/0907 FULL	07/08/2017	CONSENT	18/10/2017	Full: Formation of a hardcore parking area to serve established use of events and showground	Development at Maesmawr Field  Off A470 Caersws  SY17 5SA

<b>Application No.</b>	<b>Valid Date</b>	<b>Decision</b>	<b>Decision notice sentdate</b>	<b>Proposal</b>	<b>Location</b>
P/2017/1026 FULL	05/09/2017	CONSENT	18/10/2017	Full: Erection of building for mixed use of housing of livestock and carrying out of motor mechanic business (Part Retrospective)	Gelert Newchurch Kington HR5 3QF

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