

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod
**Council Chamber - Neuadd Maldwyn,
Y Trallwng, Powys**

Dyddiad y Cyfarfod
Dydd Iau, 5 Hydref 2017

Amser y Cyfarfod
11.00 am



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

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

Dyddiad Cyhoeddi

AGENDA

1.	YMDDIHEURIADAU
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Derbyn ymddiheuriadau am absenoldeb.

2.	COFNODION Y CYFARFOD BLAENOROL
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 14 Medi, 2017 yn gofnod cywir.

(To Follow)

Hawliau Tramwy

3.	DATGANIADAU O DDIDDORDEB
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Derbyn datganiadau o fuddiant mewn perthynas â'r ddwy eitem nesaf ar yr Agenda.

4.	CEISIADAU I GOFRESTRU LAWNT TREF NEU BENTREF NEWYDD - DULL PENNU CEISIADAU
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(Tudalennau 1 - 8)

5.	CAIS 16-001VG I GOFRESTRU LAWNT TREF NEU BENTREF NEWYDD AR DIR YN ABERHAFESB - DULL PENDERFYNU AM Y CAIS
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(Tudalennau 9 - 14)

Cynllunio

6. DATGANIADAU O DDIDDORDEB

- a) Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau yn ymwneud ag eitemau sydd i'w hystyried ar yr agenda..
- b) Derbyn ceisiadau aelodau fod cofnod yn cael ei wneud o'u haelodaeth ar gynghorau tref neu gymuned lle cafwyd trafodaeth ar faterion sydd i'w hystyried gan y Pwyllgor hwn.
- c) Derbyn datganiadau gan Aelodau'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' ar gyfer cais unigol sy'n cael ei ystyried gan y Pwyllgor.
- d) Odi manylion Aelodau'r Cyngor Sir (sydd ddim yn Aelodau o'r Pwyllgor) a fydd y gweithredu fel 'Cynrychiolydd Lleol' ar gyfer cais unigol sy'n cael ei ystyried gan y Pwyllgor.

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

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

(Tudalennau 15 - 18)

7.1. Diweddariadau

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

(To Follow)

7.2. P/2017/0697 Tir i'r gorllewin o Hill Farm, Llandysul, Trefaldwyn, Powys SY15 6HL

(Tudalennau 19 - 66)

7.3. P/2017/0423 Tir yn gyfagos i Dolgwenith a Tan y Bryn, Llanidloes Powys

(Tudalennau 67 - 92)

7.4. P/2017/0363 Tir yn gyfagos i Cranford, Llansantffraidd-ym-Mechain, Powys SY22 6AX

(Tudalennau 93 - 122)

- 7.5. **P/2017/0325 Cwmroches, Pen-y-bont, Llandrindod, Powys LD1 5SY**
(Tudalennau 123 - 158)
- 7.6. **P/2017/0370 Tir yn gyfagos i Maes Gwyn, Llanfair Caereinion, Y Trallwng, Powys SY21 0BD**
(Tudalennau 159 - 182)
- 7.7. **P/2017/0623 Tir yn gyfagos i Windy Ridge, Arddlîn, Llanymynech, Powys SY22 6PY**
(Tudalennau 183 - 204)
- 7.8. **P/2017/0277 Brynhyfryd, Heol y Gogledd, Llanfair-ym-Muallt, Powys LD2 3BT**
(Tudalennau 205 - 228)
- 7.9. **P/2017/0751 Cae yn gyfagos i Old Creamery, Llanellwedd, Llanfair-ym-Muallt, Powys LD2 3SY**
(Tudalennau 229 - 242)
- 7.10. **P/2017/0345 Tir yn Nant Glas Farm, Nant-Glas, Llandrindod LD1 6PA**
(Tudalennau 243 - 256)
- 7.11. **P/2017/0368 Tir yn gyfagos i Church House Farm, Llanwnog, Caersws, Powys SY17 5JG**
(Tudalennau 257 - 278)
- 7.12. **P/2017/0654 Land yn The Firs, Yr Ystog, Trefaldwyn SY15 6AH**
(Tudalennau 279 - 300)
- 7.13. **P/2017/0898 Canolfan Ailgylchu Gwastraff o'r Cartref, Stad Ddiwydiannol Ffordd Waterloo, Llandrindod**
(Tudalennau 301 - 310)

8.	PENDERFYNIADAU'R PENNAETH GWASANAETHAU ADFYWIO A RHEOLEIDDIO AR GEISIADAU A DDIRPRWYWD
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Derbyn er gwybodaeth restr o benderfyniadau a wnaed gan y Pennaeth Adfywio a Rheoleiddio dan bwerau a ddirprwywyd iddi.

(Tudalennau 311 - 322)

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

5th October 2017**REPORT BY: HEAD OF LEISURE AND RECREATION****SUBJECT: Applications to register a new Town or Village Greens – method of determining applications**

REPORT FOR: DECISION

Applications to register a new Town or Village Green under section 15 of the Commons Act 2006 – Method of determining applications.**Background:**

Applications can be made to a Commons Registration Authority to register new Town or Village Greens under section 15 of the Commons Act 2006. Powys County Council is the Commons Registration Authority for the whole county, including areas that are in Brecon Beacons National Park.

Section 15 of the Commons Act 2006 allows for registration of an area of land as Town or Village Green if either:

- It can be shown that a significant number of the inhabitants of any locality or of any neighbourhood within a locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years (section 15(2)); or
- The landowner wishes to voluntarily register an area of land that he / she owns as a Town or Village Green (section 15(8)).

There are strict criteria in relation to the time period within which an application can be made under section 15(2) of the Commons Act 2006. In Wales, either use of the land for lawful sports and pastimes must be continuing to take place at the time of application, or the application must be submitted within 2 years of the date on which the use has stopped.

These criteria do not apply to applications made under section 15(8) of the Commons Act 2006; a landowner can apply to voluntarily register their land as a Town or Village Green at any time.

Current situation:

The Council's current approach to processing and determining applications to register new Town or Village Greens is outlined on the flowchart at appendix A. This is sent out to prospective applicants and other interested parties.

When an application is received by the Council, officers must check whether it has been duly made. This includes checking that the relevant sections of the application form have been completed and that supporting evidence has been supplied. Without prejudice to the final outcome, officers must decide whether there is a 'prima facie' case to be considered.

If an application is accepted as being duly made, it must then be advertised, via a newspaper advertisement and site notices. Notice of the making of the application must be served on the applicant, affected landowners and others and a 6-week period must be allowed for receipt of any objections.

Following that, the Council must formally determine the application, on the basis of the legal criteria and available evidence. This is a 'quasi-judicial' role and factors outside the legal criteria must not be taken into account, when deciding whether a new Town or Village Green should be registered.

If the Local Member for the ward affected by the application also sits on the Planning, Taxi Licensing and Rights of Way Committee, then they must take no part in the formal determination of the application at all, as this could lead to the Council's decision being challenged in the courts. If they choose to submit evidence as a witness for the case, then they do so entirely in a personal capacity and not in their role as the Local Member.

It is not proposed that this overall arrangement be changed. However, there is a degree of flexibility in terms of how each individual application is determined.

The purpose of this report is to give the Planning, Taxi Licensing and Rights of Way Committee an overview of the ways in which it may determine these applications. The Committee is asked to consider the general circumstances under which they may wish to determine a case on the basis of a hearing, rather than written evidence only, and when it may be appropriate to appoint an independent inspector.

Options:

Broadly, the law allows Commons Registration Authorities to determine applications to register new Town or Village Greens in one of two ways being:

- To consider the documents provided by the applicant and objector and determine the application solely on the basis of the written evidence; or
- To hold a hearing, so that the applicant and objector and their witnesses can appear and present evidence in person. The Committee can then determine the case following the hearing, on the basis of both the written information submitted beforehand and any further information gained during the hearing.

The Council is not required to hold a hearing if an application is opposed. However, the Council must provide opportunity for the applicant to deal with any matters raised by the objector and any other matters that could lead to the Council rejecting the application.

The Council may also opt to appoint an independent legal specialist in relation to these applications. The specialist may be asked:

- To provide written advice (i.e. a barrister's opinion) about specific points in relation to an application e.g. if a particularly complex or unusual issue arises; or
- To hold a non-statutory hearing on behalf of the Council, to hear and assess all of the evidence in relation to an application. In this event, the specialist may be a barrister or other expert e.g. a Planning Inspector. They will write a report for the Council, detailing their assessment of the evidence. Whilst the specialist may make a recommendation in relation to the outcome of the application, it remains the Council's responsibility to formally determine the case.

Evidence from individuals, including the applicant and objectors, about usage or non-usage of the land for 'lawful sports and pastimes' is key to deciding whether a new Town or Village Green should be registered or not. The evidence of those claiming to have used the land is often referred to as 'user witness' evidence.

Irrespective of whether objections are made in relation to an application, it is important that the Committee has sufficient detail to be able to assess whether, on the balance of probabilities, the legal criteria for registration are met or not.

In relation to the options for determination:

- If an application is not opposed, it may be reasonable to assume that the content of the user witness evidence is not being questioned. As such, there may be sufficient information in written statements to determine the case without further enquiry.
- If an application is opposed, consideration needs to be given to the content of the objection(s) made. It may be that the objections are solely related to factors that cannot be taken into account in determining the application. In that case, determination on the basis of written evidence alone may be sufficient.
- However, objectors may challenge the content of the evidence supplied by witnesses about use, or non-use of the land. Objections may be made in relation to whether the evidence of use satisfies the legal criteria or not, or may relate to the interpretation of a legal criterion in relation to the application in question. A hearing gives opportunity for further clarity to be sought from witnesses, if information is lacking in the written evidence supplied.

The Committee can either conduct the hearing itself, or can appoint an independent inspector to do so.

If the Committee conducts the hearing, Committee members attend and hear the evidence in person. A range of written evidence from a variety of sources,

including the statements to be made by witnesses must be supplied by the applicant, objector(s) and any other interested parties before the hearing opens, to allow time for it to be reviewed. Once the hearing opens, the Committee will observe witnesses presenting evidence in person and being cross-examined. A hearing can last one or more days, depending on the number of witnesses, complexity of their evidence and time taken for cross-examination. A formal decision is made after the close of the hearing; the Committee members have opportunity to debate the case in closed session and then issue a formal written decision.

If an independent inspector is appointed, the Committee members do not attend the hearing at all and do not hear any of the witness evidence in person. In that respect, the Committee is reliant on the content of the inspector's report. An officer report is written to accompany the inspector's report and presented at a public Committee meeting, so that a formal decision can be made about the application.

As explained above, appointing an independent inspector does not replace the Council's responsibility to determine the application in question. It should be noted that the Committee is not obliged to follow the recommendation of an independent inspector. The Committee can diverge from the inspector's recommendation, if it is considered that this is justified in the light of the evidence and legal criteria.

Irrespective of the procedure followed, written advice can be sought by the Council from a legal specialist in relation to specific points at any stage of the application. A formal decision can be deferred until any necessary legal advice has been received.

Proposals:

The Committee will be asked to decide how individual cases are determined. However, the following general approach is proposed:

1. That unopposed applications be determined on the basis of written evidence only; an officer report with a recommendation will be prepared, to accompany the application and evidence and will be presented at a public Committee meeting;
2. That if the matters raised in objections relate solely to matters that are outside the legal criteria for registration, then the application will be determined on the basis of written evidence only; again, an officer report with a recommendation will be prepared, to accompany the application and evidence and will be presented at a public Committee meeting;
3. That if objections are made in relation to the content of the witness evidence about use or non-use of the land and whether it meets the legal criteria, then the application will be referred for a hearing.

4. If the application is referred for a hearing, the hearing will be conducted in one of the following ways:
 - a. Under most circumstances, hearings will be conducted by the Planning Taxi Licensing and Rights of Way Committee, so that members can hear the evidence and cross-examination themselves. The decision will be made following the close of the hearing and a debate in closed session, then issued in writing;
 - b. However, under exceptional circumstances, an independent inspector will be appointed to hold the hearing on the Council's behalf and prepare a report of their findings. That report will subsequently be presented, together with an officer report, at a public Committee meeting.

'Exceptional circumstances' will be identified by the Definitive Map and Commons Registration Officer, in consultation with Legal Services and with the Head of Leisure and Recreation. The Committee will then be asked to take those circumstances into account, when deciding how the application should be determined.

An example of such a circumstance would be where a conflict of interest is identified, that could be seen to be prejudicial to the Council's ability to determine the case impartially. This may arise if, for example, the Council was the owner of the land affected by the application.

Occasionally, the applicant and objectors may decide that they do not wish to attend a hearing to present evidence at all. If both parties are in agreement, under those circumstances, then the Committee could determine an opposed application on the basis of written evidence and an officer report only.

RECOMMENDATION:

- 1. That the approach under points 1 - 4(b) inclusive 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.**

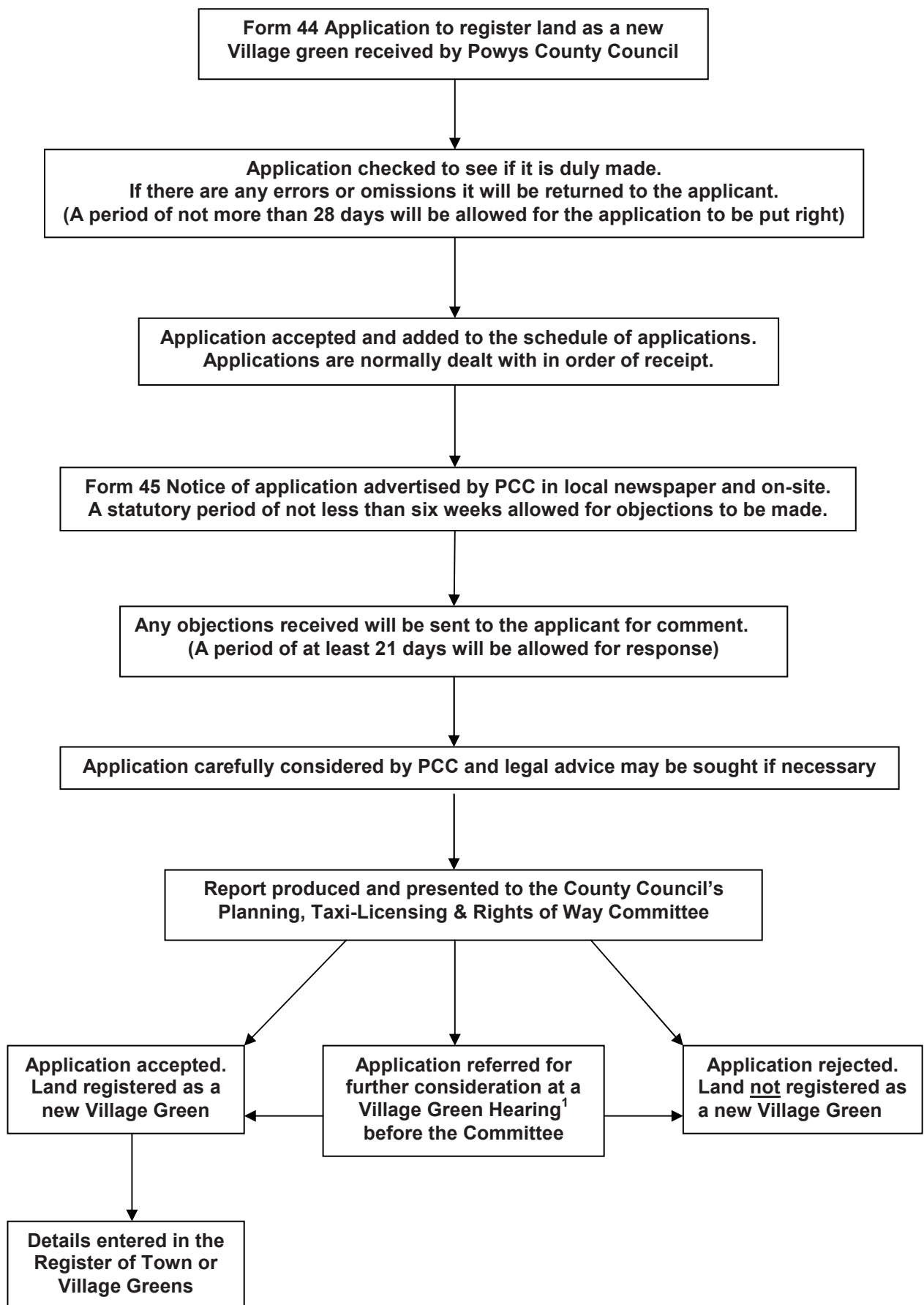
Appendices:

Appendix A Flowchart outlining the current process for determining applications for new Town or Village Greens (Feb 14)

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

Section 15 Village Green Application and Registration Process in Powys

Please note that this diagram is intended as an indicative summary only.



¹ See Appendix 1: Procedure for a Village Green Hearing

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

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

5th October 2017**REPORT BY: HEAD OF LEISURE AND RECREATION****SUBJECT: 16-001VG Application to register a new Town or Village Green – method of determining application**

REPORT FOR: DECISION

16-001VG Application to register a new Town or Village Green on land at Aberhafesp – Method of determining application.**Background:**

An application to register a new Town or Village Green on land at Aberhafesp was received on 2nd November 2016. The land affected by the application is located at the Hillcrest housing estate and is shown on the plan at appendix A; this is Powys County Council's interpretation of the plan that was supplied by the applicant.

The applicant is Mr Richard Amy of Madryn, Hillcrest, Aberhafesp. The owners of the land affected by the application are Mr F Davies of Ty Sgwylfa, Aberhafesp and his brother, Mr P Davies of Chimneys, New Mills.

The application and supporting documents were checked by officers of Countryside Services and Legal Services. On 16th November 2016, the application was registered as having been 'duly made' and allotted the reference number 16-001VG, in accordance with statutory requirements.

It was then advertised via a newspaper advertisement and site notices. Notice of the making of the application was served on the applicant, affected landowners and others and a 6-week period was allowed for receipt of any objections.

An objection was received, from Mr P Davies as one of the owners of the land affected by the application. Subsequent correspondence from Wace Morgan Solicitors confirms that the objection is from both Mr P Davies and Mr F Davies.

The Committee is not yet being asked to consider the evidence in relation to this application, nor to decide whether it should be granted or not. This report is solely to seek the Committee's view as to how the application should be determined, as there are several options as detailed below.

Options:

Broadly, the law allows Commons Registration Authorities to determine applications to register new Town or Village Greens in one of two ways being:

- To consider the documents provided by the applicant and objector and determine the application solely on the basis of the written evidence; or
- To hold a hearing, so that the applicant and objector and their witnesses can appear and present evidence in person. The Committee can then determine the case on the basis of both the written information submitted beforehand and any further information gained during the hearing.

The Council is not required to hold a hearing if an application is opposed. However, the Council must provide opportunity for the applicant to deal with any matters raised by the objector and any other matters that could lead to the Council rejecting the application.

Opportunity has been allowed for the applicant (Mr Amy) to see and comment on the objections made. Irrespective of whether this case is decided via a hearing or on the basis of written evidence only, a timetable will be provided to the applicant and objector for submission of further comments and evidence and their final case statement. These submissions will be circulated, so that each can see and comment on the other party's statement and evidence, prior to any decision being made by the Committee.

The objections have not been appended to this report, as it is important that this case is not 'pre-determined' in any way. The important point for the Committee to consider is that the objectors have raised matters in connection with the evidence supplied. They have questioned whether it demonstrates that the legal criteria for registration of a Town or Village Green are met.

Evidence from individuals, including the applicant and objectors, about usage or non-usage of the land for 'lawful sports and pastimes' is key to deciding whether a new Town or Village Green should be registered or not.

This application has been opposed, bringing the user witness evidence of the applicant into question. A hearing would allow for witnesses to present evidence in person and for the applicant and objector to cross examine the other party and their witnesses. That gives opportunity for further clarity to be sought, if information is lacking in the written evidence supplied.

That course of action has been suggested to the applicant and objectors and seems broadly acceptable to both parties. Given that, it is proposed that this application be determined once a hearing has been held.

Finally, the Committee could either decide to conduct the hearing itself, or could appoint an independent inspector to do so.

Appointing an independent inspector does not replace the Council's responsibility to determine this case. Rather, an independent inspector will hold the hearing and write a report, as the basis on which the Committee can then make a decision about the case.

This may be appropriate where, for example, a conflict of interest is identified that could be seen to be prejudicial to the Council's ability to determine the case impartially; one such circumstance would be if the Council were the owner of the land affected by the application.

For this application, no such conflict of interest or other exceptional circumstance has been identified. The determination of these applications must be based solely on an assessment of whether the evidence meets the legal criteria. As such, the Local Member for the affected ward cannot take any part in determining the case, if they also sit on the Planning, Taxi Licensing and Rights of Way Committee.

Opportunities for members of the public to speak to the Committee are within the framework of the public hearing and can be subject to cross-examination by the applicant and objectors. There is no further opportunity for public speaking after the close of the hearing.

Given this, it is proposed by officers that a hearing be conducted by the Committee, so that the Committee members can attend and hear the oral evidence presented themselves.

If any novel or particularly complex legal issues do arise during the hearing, then the formal decision about the case can be deferred. That would allow time for legal advice to be sought in relation to any specific issues raised, so that the Committee has full information on which to base their decision.

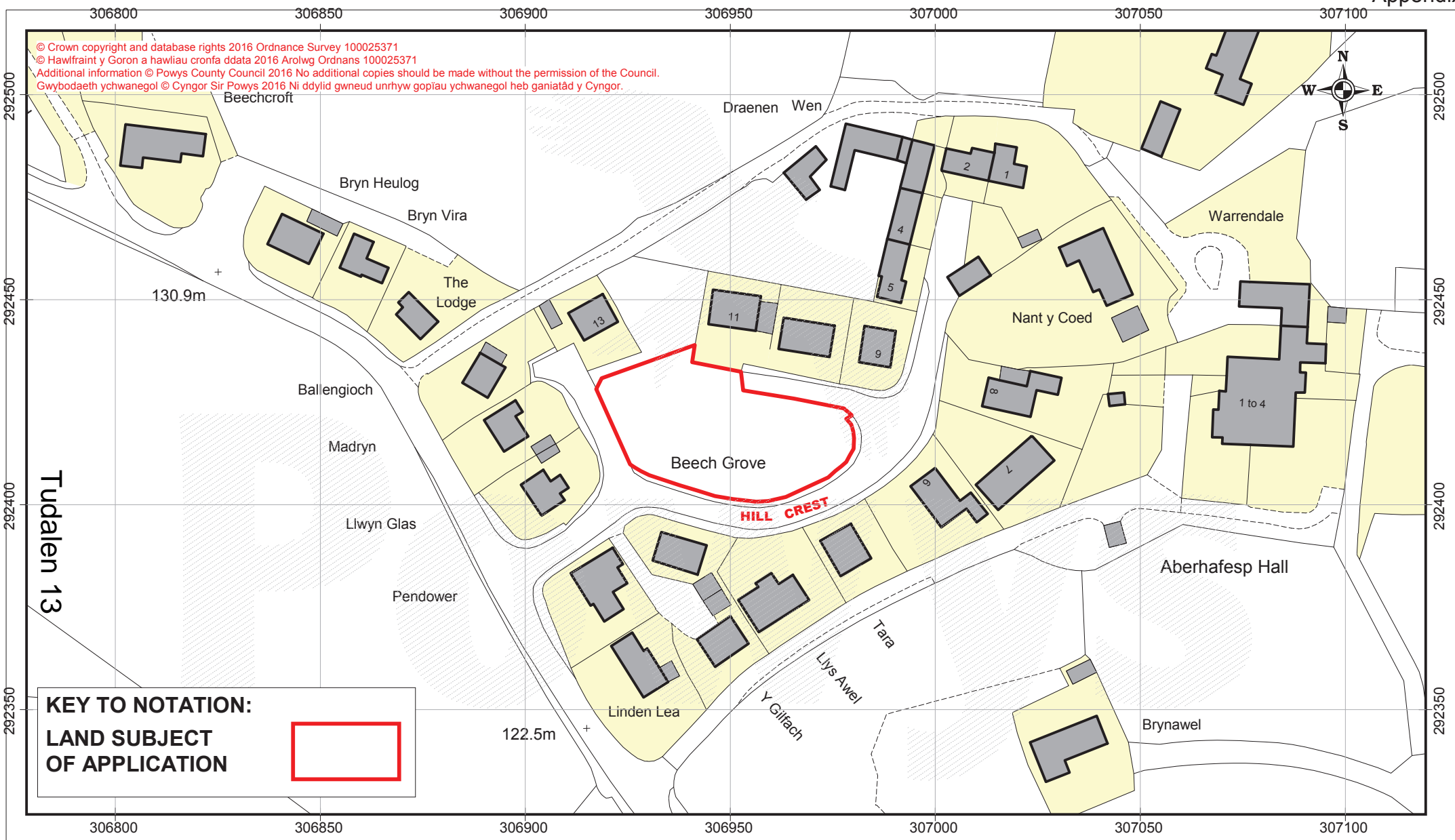
RECOMMENDATIONS:

- 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.**

Appendices:

Appendix A Plan of land affected by application 16-001VG

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



KEY TO NOTATION:
LAND SUBJECT OF APPLICATION



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

Planning, Taxi Licensing and Rights of Way Committee
5th 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>P/2017/0697</p> <p>Montgomery</p> <p>320763.62 296322.46</p> <p>20.06.17</p>	<p>Full: Erection of 2 no. livestock buildings and a covered manure store together with 2 no. feed bins, hardstanding and access</p> <p>Land west of Hill Farm. Llandyssil, Montgomery Powys SY15 6HL</p> <p>Mr Will Jones GW & WW Jones, Hill Farm, Montgomery, Powys SY15 6HL</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0423</p> <p>Llanidloes</p> <p>295482.68 283809.83</p> <p>26.04.17</p>	<p>Outline: Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved)</p> <p>Land adj Dolwenith and Tan y Bryn, Llanidloes Powys</p> <p>Mr A Thomas, Craefol, Nantmel, Rhayader, Powys LD6 5PD</p> <p>Recommendation:</p> <p>Consent subject to a S106 agreement</p>
<p>P/2017/0363</p> <p>Llansantffraid</p>	<p>Outline: Erection of up to 9 dwellings (some matters reserved), formation of vehicular access and all associated works</p>

<p>323017.02 320611.99</p> <p>04.04.2017</p>	<p>Land adj Cranford, Llansantffraidd-ym-Mechain, Powys SY22 6AX</p> <p>Mrs B A Edwards, Llansantffraidd-ym-Mechain, Powys, SY22 6TH</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0325</p> <p>Penybont</p> <p>310725.17 263930.63</p> <p>31.03.17</p>	<p>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</p> <p>Cwmroches, Penybont, Llandrindod Wells, Powys LD1 5SY</p> <p>Mr G Owen, Cwmroches, Llandrindod Wells, Powys, LD1 5SY</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0370</p> <p>Llanfair Caereinion</p> <p>310114.75 306195.63</p> <p>06.04.17</p>	<p>Outline: Residential development of up to 9 dwellings , formation of vehicular access and associated works (some matters reserved)</p> <p>Land adj Maes Gwyn, Llanfair Caereinion, Welshpool, Powys SY21 0BD</p> <p>Mrs M Williams, Tanhouse Farm, Llanfair Caereinion Welshpool Powys SY21 OBD</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0623</p> <p>Llandrinio</p> <p>325471.4 315537.47</p> <p>08.06.2017</p>	<p>Outline: Erection of up to 9 dwellings, formation of internal access road and all associated works (Phasee 2)</p> <p>Land adj Windy Ridge, Arddleen, Llanymynech, Powys SY22 6PY</p>

	<p>Mr & Mrs RG & JB Aston, Willow Close, 5 Foxon Manor, Four Crosses Powys, SY22 6NF.</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0277</p> <p>Builth Wells</p> <p>303966.07 251120.99</p> <p>09.03.17</p>	<p>Full : Extension to existing buildings to provide 2 additional self contained flats</p> <p>Brynhyfrydd, North Road, Builth Wels, Powys LD2 3BT</p> <p>Mr JW Hardwick, Abercrychan Farm, Llandovery SA20 OYL</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0751</p> <p>Llanelwedd</p> <p>303807.21 251605.41</p> <p>30.06.17</p>	<p>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</p> <p>Field adjoining Old Creamery, Llanelwedd, Builth Wells, Powys LD2 3SY</p> <p>Mr Aled Jones, The Royal Welsh Agricultural Society, Royal Welsh Showground, Llanelwedd, Builth Wells, Powys LD2 3SY</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0345</p> <p>Nantmel</p> <p>299113.11 264499.04</p> <p>29.03.2017</p>	<p>Outline: Erection of 2 dwellings, formation of vehicular accesses, installation of sewage treatment plants and associated works</p> <p>Land at Nant Glas Farm, Nant-Glas, Llandrindod Wells, LD1 6PA</p> <p>Mr & Mrs C & J Evans, Claerwen Valley, Ciloerwent, Rhayader, Powys</p> <p>Recommendation:</p>

	Conditional Consent
<p>P/2017/0368</p> <p>Caersws</p> <p>302041.71 293811.08</p> <p>04.05.17</p>	<p>Outline : Proposed residential development of up to 5 dwellings, formation of vehicular access and access road and all associated works (all matters reserved)</p> <p>Land adj. Church House Farm, Llanwnog, Caersws, Powys SY17 5JG</p> <p>Tyn y Bryn Farms, Tyn y Bryn, Tregynon, Powys SY16 3PJ</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0654</p> <p>Churchstoke</p> <p>327651.95 293901.65</p> <p>12.06.2017</p>	<p>Outline: Erection of 3 detached properties, including detached carports, formation of vehicular access and associated works (some matters reserved).</p> <p>Land at the Firs, Churchstoke, Montgomery SY15 6AH</p> <p>Miss Delves, The Fies, Churchstoke, Montgomery</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0898</p> <p>Llandrindod Wells</p> <p>305895.32 261864.02</p> <p>04.08.2017</p>	<p>Application to vary condition no 2 of RAD/2007/0520 in regards to the approved plans</p> <p>Household Waste Recycling Centre, Waterloo Road Industrial Estate, Llandrindod Wells,</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditional Consent</p>

7.2

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

This application is to be determined by committee as the application has been called in by the local member.

Site Location and Description

This site is located off the C2143 classified highway approximately 1.4 miles west of Montgomery. The proposed site occupies an area of agricultural land currently used for grazing purposes. The proposed site is detached from the main farm complex and building being located approximately 700 metres to the north west of the farm house. The site is bound by agricultural land with mature field boundaries.

Consent is sought in full for the erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access. The proposed pig unit is to accommodate 1980 pigs in total, each building is to accommodate 990 pigs operating on a 20 weeks cycle.

The proposed 2 no. livestock buildings are to measure 61 metres in length, 15.5 metres in width, 4.26 metres in height to the eaves and 6.3 metres in height to the ridge. The proposed manure store building is to measure 41 metres in length, 9.1 metres in width, 4.2 metres in height to the eaves and 5.4 metres in height to the ridge. The site is also to accommodate two feed hoppers to measure approximately 7.6 metres in height. The proposed buildings are to be constructed with walls of concrete panels and gale breaker curtains above. The roof is to be of fibre cement sheeting natural grey in colour.

Access to the application site will be facilitated via a new access onto the C2143 classified highway with the access road being laid to tarmac and crushed stone. The site around the buildings is to have an area of hardstanding of crushed stone for parking and turning of vehicles.

Consultee Response

Montgomery CC

Correspondence received 30th July 2017

Application Ref P2017/0697 – Erection of 2 no. Livestock buildings and a covered manure store, together with 2 no feed bins, hardstanding and access at Land west of Hill Farm, Hyssington, Montgomery.

Consultation Response

Although Montgomery Town Council support diversification for businesses, at the meeting of the Town Council held on 27th July 2017 concerns re the above application were expressed as below.

1. Concerns around the Infrastructure of the narrow roads which would carry heavy traffic and lack of passing places for other road users.
2. Concerns re Water requirements for such a considerable amount of stock.
3. Local knowledge concerning Drainage and contamination of land and water supplies.
4. Concerns where manure will be spread as land indicated is close to housing and on the boundary of the River Severn. A parcel of land is due for development under LDP in the near future will not be in use where will the manure go?
5. There appears to be a number of discrepancies on the plans provided and misleading information.
6. Concerns re Ammonia which could be above the levels allowed.
7. This area has designated footpaths for walkers and cycle paths and is a registered historic landscape.

I trust consideration will be given to these concerns.

Llandyssil Community Council

Correspondence received 4th August 2017

I refer to the above application.

The council considered this application and wished to have their views recorded.

There would be a vast increase in HGV along this lane consideration should be given as to the most appropriate route to this development and the route chosen should have the appropriate number of passing places constructed to assist with the increase the number of HGV

PCC - Highways

Correspondence received 21st September 2017

The County Council as Highway Authority for the County Class III Highway, C2143

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to the commencement of any development within the site the applicant shall submit and have approved in writing by the local planning authority full details of the HGV transport route to and from the site together with a schedule of delivery times. The approved routing agreement shall thereafter be fully complied with for the duration of the development.

- HC1 Prior to the beneficial use of the development any entrance gates shall be set back at least 20 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. 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 20 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 first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 3 cars and 3 heavy goods vehicles 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 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC13 Prior to the first beneficial use of the development a radius of 15 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
- HC21 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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,
- HC22 Upon construction of the access as condition HC7 above any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
- HC26 When constructed 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 soakaway installation.
- 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.
- HC37 Prior to any works being commenced on the development site the applicant shall construct 5 passing bays, the specification and locations of which are to be submitted and agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

In the interests of highway safety.

Wales & West Utilities

Correspondence received 30th June 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 7th 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.

PCC - Environmental Health

Correspondence received 12th July 2017

Re: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access.

Odour impact

Odour dispersion modelling has been carried out which predicts that no sensitive receptors will experience odour concentrations above the recommended benchmark for moderately offensive odours. I am satisfied with the conclusion of this report.

Noise impact

Fixed plant: The plans show that the agricultural buildings do not include any fixed mechanical ventilation plant, therefore there is no requirement for a noise impact assessment.

Collections/deliveries: For the protection of amenity Environmental Protection would recommend the following condition:

“Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 – 1900 Monday to Saturday, and at no time on Sundays or Bank Holidays.”

Dust

There are no sensitive receptors located within 250m of the proposed development, therefore there is no requirement for a dust impact assessment.

PCC - Rights of Way (adj to site)

Correspondence received 20th September 2017

I can confirm that the proposed development will not affect any public right of way.

PCC - Ecologist

Correspondence received 11th July 2017

Planning Application Reference	P/2017/0697
Project Name / Description	for FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access at Land west of Hill Farm, Hyssington, Montgomery, Powys.
Consultation Deadline	18/07/2017

Ecological Topic		Observations
EIA Screening Opinion needed?	Yes	During pre-application consultation PCC confirmed that the proposed scheme is an intensive livestock installation which falls below the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, Schedule 1 threshold for this type of development of 3,000 places for production pigs (over 30kg), but exceeds the Schedule 2 threshold of having a floor space area higher than 500m ² (2266m ²). PCC therefore explained that the applicant may wish to seek a formal EIA Screening Opinion prior to submitting a planning application. Since this does not appear to have been requested to date I recommend that PCC provide a formal EIA Screening Opinion for this proposal prior to determination of the application.
Ecological Information included with application?	Yes	A preliminary ecological appraisal of the site has been completed and the accompanying report submitted with the application (Emms and Barnet, April 2017). The report generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009) but refers to the NERC Act 2006. 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

Protected Species & Habitats ¹			<p>Biodiversity Information Service have also been reviewed to inform these observations.</p> <p>The PEA report confirms that habitats at the site comprise improved grassland throughout, intact native species-rich hedgerows bordering the north and west (of which the northern hedge would need to be breached to create a new access and visibility splay), a mature oak tree within the western hedgerow and one to the east of the site and a shallow drainage channel which would be crossed by the new access track.</p> <p>The PEA report identifies that the site and adjacent habitats provide potentially suitable habitat for bats, nesting birds, amphibians including Great Crested Newt and reptiles.</p>
	European Species	<input checked="" type="checkbox"/>	<p>Within 2km of the site there are historical records of Common and Soprano Pipistrelle bats (within 560m at the closest).</p> <p>The ecology report confirms that no potential bat roosting features would be lost to the development. The hedgerows could provide foraging opportunities but, with the exception of a small length being removed for access, would remain in situ. However, recommendations for sensitive lighting are made to avoid adverse impacts on bats. Enhancement measures for bats in the form of two tree roosting boxes are also recommended and would be welcomed.</p> <p>The ecology report concludes that no impacts on otters or dormice are likely. There are no ponds on or within 500m of the site. However, since the ecology report concludes that great crested newt could be present at the base of the hedgerows (which are mostly to be retained) mitigation activities (involving site management and a pre-clearance fingertip search by an ecologist to reduce the chances of harm to any amphibians during the construction phase) are provided.</p>
	UK Species	<input checked="" type="checkbox"/>	<p>Within 2km of the site there are historical records of nesting bird species including House Sparrow, Dunnock and Song Thrush (within 499m at the closest).</p>

¹ Species records within 1km (minimum).

		<p>The ecology report concludes that amphibians, common lizard and slow worm may be present in the bases of the hedgerows (which are mostly to be retained) and grass snake and adder may be present in the wider area. Mitigation activities involving site management and a pre-clearance fingertip search by an ecologist to reduce the chances of harm to any reptiles and amphibians during the construction phase are therefore provided.</p> <p>The ecology report also confirms that the hedgerows provide bird nesting opportunities and old blackbird nests were found in both hedgerows. The report therefore recommends that any operations that could disturb bird nesting habitat are conducted 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 works and, depending on the presence and location of nesting birds, site clearance may need to cease until the young have fledged.</p> <p>The ecology report recommends two bird nest boxes to be installed on adjacent trees as a biodiversity enhancement measure, and these would be welcomed.</p>
	<p>Section 7 Species & Habitats <input checked="" type="checkbox"/></p>	<p>In addition to those species listed above, there is a historical record of hare within 867m of the site.</p> <p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are present to the north and west of the site, although the majority of these would be retained within the development except for a section of the northern hedgerow to be breached for access; replacement hedgerow planting along the new visibility splay is proposed to mitigate for the loss of this section. The ecology report states that the existing and retained boundary hedgerows and trees shall be protected during the works in accordance with BS5837:2012.</p> <p>The ecology report also proposes that native species (preferably of local origin) are used in the</p>

		<p>landscaping design. Landscape proposals plans (Allan Moss Associates Ltd., May 2017) have been submitted with the application and show locations of and specifications for additional hedgerow planting, native woodland planting and rough grassland seeding, which comprise native species.</p> <p>Rivers are included on the list of habitats of principal importance for conservation of biological diversity of Wales. A Manure Management Plan (Farming Connect, May 2017) has been submitted with the application. Numerous watercourses run through the proposed manure spreading areas shown in the Manure Management Risk Maps; part of the Management Plan provided with the application. Recommendations within the plan and the risk maps provided in the Appendix appear to show sufficient buffer areas where watercourses or springs exist within the proposed areas of manure spreading.</p> <p>A Method Statement and Pollution Prevention Plan have also been submitted with this application and includes measures to prevent water pollution during the construction phase.</p>
	LBAP Species & Habitats <input checked="" type="checkbox"/>	Please refer to the observations above.
Protected Sites	International Sites ² <input checked="" type="checkbox"/>	<p>None within 2km, but component parts of the Montgomery Canal SAC are within 5km. A Report on the Modelling of the Dispersion and Distribution of Ammonia has been completed by AS Modelling (April 2017) using Natural Resources Wales' Operational Guidance Note 41: <i>Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission</i>, March 2017.</p> <p>The Ammonia Report predicts that the process contributions to the annual mean ammonia level and the annual nitrogen deposition rate would be below the NRW lower threshold percentage of Critical Level or Load (1%) for internationally designated sites at the Montgomery Canal SAC. No significant effects on this site are therefore envisaged.</p>

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

	National Sites ³	<input checked="" type="checkbox"/>	None within 2km. The ecology report confirms that the Montgomery Canal SSSI is located approximately 2.74km south-west of the development. The Ammonia Report predicts that the process contributions to annual mean ammonia level and the annual nitrogen deposition rate would be below the NRW lower threshold percentage of Critical Level or Load (1%) for SSSI's at the Montgomery Canal SSSI. No significant effects on this site are therefore envisaged.
	Local Sites (within 500m)	<input checked="" type="checkbox"/>	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 process contribution to the annual mean ammonia concentration would exceed 100% of the Critical Level and Load over the Ancient Woodlands 230m east of the site. Native woodland and hedgerow/tree planting as well as rough grassland seeding are therefore proposed at the site, which would appear to be intended as a compensation measure/buffer for potential adverse impacts on the Ancient Woodlands.
Invasive Non-Native Species	No		The PEA report confirms that no invasive, non-native plant species were observed at the site, but Rabbits are present and Grey Squirrels probably use the habitats on the site.
Recommendations			<p>I consider that sufficient information has been provided to determine the ecological impact of this application.</p> <p>Since great crested newts, other amphibians and reptiles could be present at the base of the hedgerows (which are mostly to be retained) mitigation activities involving site management and a pre-clearance fingertip search by an ecologist to reduce the chances of harm to any amphibians or reptiles during the construction phase are provided in the ecology report.</p> <p>The ecology report recommends that any operations that could disturb bird nesting habitat are conducted 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 works and, depending on the presence and location of nesting birds, site clearance may need to cease until</p>

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

	<p>the young have fledged.</p> <p>The ecology report recommends that two bird nest boxes and two bat roosting boxes are installed on adjacent trees as a biodiversity enhancement measure.</p> <p>The ecology report states that the existing and retained boundary hedgerows and trees shall be protected during the works in accordance with BS5837:2012.</p> <p>The ecology report also proposes that native species (preferably of local origin) are used in the landscaping design and acceptable specifications for this are provided on drawing number 1489.01 by Allan Moss Associates Ltd (May 2017). This would appear to compensate for the process contribution to the annual mean ammonia concentration exceeding 100% of the Critical Level and Load over the Ancient Woodlands 230m east of the site, and possibly contribute to buffering this impact.</p> <p>I recommend that all of the measures above as well as those within the Manure Management Plan and Method Statement and Pollution Prevention Plan are implemented as proposed.</p>
<p>Further information required prior to determination of application</p>	<p>Since a formal EIA Screening Opinion does not appear to have been requested to date PCC should provide this prior to determination of the application.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding hedgerows, trees, great crested newts, amphibians, reptiles, nesting birds, bats and other wildlife identified in pages 18-20 of the Ecological Report by Emms and Barnett dated April 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,</p>

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

The Landscaping Scheme specifications and aftercare measures identified on drawing number 1489.01 (Landscape Proposals) by Allan Moss Associates Ltd. (May 2017) 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 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 the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including the enhancements recommended for wildlife habitats, native planting, nesting birds and roosting bats in the Ecology Report by Emms and Barnet dated April 2017 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 Method Statement and Pollution Prevention Plan submitted with the application 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.

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

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

No manure from the pig production 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.

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

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.

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.

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

Tudalen 35

Document Author	Chris Jones	Approved by	Rhydian Roberts
Version	1	Approved Date	11/07/2017

NRW

Correspondence received 25th July 2017

FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access Land west of Hill Farm Hyssington Montgomery Powys SY15 6HL

Thank you for consulting us on the above proposal for the housing of 1980 pigs received on 27th June 2017. We have previously given pre-app advice on 10th February 2017 CAS-28497-G3J2 in which we advised that the planning submissions should include a drainage plan, manure management plan and pollution prevention plan.

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

Condition 1: European Protected Species - Bats light spillage scheme.

Care should be taken in the type and location of any external lighting within the new development, to ensure that the hedgerows are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Bats 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.

We have reviewed the Preliminary Ecological Appraisal dated April 2017 by Emms and Barnett and we consider that the trees and hedgerows surrounding the proposed development site are likely to be used by bats for roosting and foraging and as flight paths. Should your authority be minded to grant planning permission, we advise that a suitable condition is attached to the permission to avoid disturbance to bats.

Security lighting must be installed in a way that minimises light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site). Low level and low wattage, as well as low pressure sodium or high pressure sodium lamps, should be preferred to mercury or metal halide lamps.

Air Quality: Protected Sites

- **Montgomery Canal SAC (2.8km)**

When we commented on the proposal at pre-app stage the submitted SCAIL report had shown that farm ammonia process contribution would be 0.35µg/m³, which is 11.67% of the 3µg/m³ ammonia critical level. We recommended that a detailed air quality modelling report should be submitted with the planning application.

We have reviewed the Air Quality report dated 7th April 2017 which shows in tables 5 and 6 that the highest contributions are at receptor 21 on the Montgomery Canal SAC.

The background ammonia is $2.11\mu\text{g}/\text{m}^3$. The ammonia critical level is $3\mu\text{g}/\text{m}^3$

The farm ammonia process contribution is $0.017\mu\text{g}/\text{m}^3$, which is 0.6 % of the $3\mu\text{g}/\text{m}^3$ ammonia critical level and to nitrogen is $0.02\text{ kgN}/\text{ha}/\text{yr}$ (which is 0.7% of the critical load)

In conclusion, we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are below the thresholds that we apply in our assessment of potential impacts on SACs.

Drainage, Water Quality and Pollution Prevention Design

The submitted plan dwg. Number IP/WJ/02 shows the position of the SSAFO dirty water tank and concrete apron, and the soakaways for clean water. The pathways for foul and clean water are further explained in the method statement and pollution prevention plan and report L0069/1 by Hydrologic Services dated May 2017.

A drawing has been submitted which shows the access across the small watercourse that requires culverting. The applicant will require Land Drainage Consent from the Lead Local Flood Authority.

Pollution Prevention

The method statement pollution prevention plan includes consideration of potential pollution during construction including an explanation of the culvert and section 6 addresses the foul water drainage during the operation of the proposal.

Manure Management Plan

The map submitted with the manure management plan shows the risk areas and suitable buffers around sensitive receptors. We note that a roofed manure store is included in the proposal and no slurry will be produced which shows that there is suitable contingency.

The spreadable area is 80.68ha. The manure management plan considers the manure produced by the pigs housed in the proposed unit and it does not consider the 600 breeding ewes and 150 lambs housed outside.

The pigs will produce 17827 kilograms of nitrogen, so this would result in a spreading rate of $220\text{ kgN}/\text{ha}$, although with the additional manure from the sheep housed outside the nutrient load on the land could be much higher. The applicant will need to ensure that they apply manure in accordance with the nutrient requirement of the land and do not exceed the Code of Good Agricultural Practice (CoGAP) recommended upper limit of $250\text{kg Nitrogen}/\text{ha}$.

Environmental Permitting

The grant 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.

- **Intensive Farming**

The current planning application is for two livestock buildings to hold 1980 pigs and a covered manure store. For pigs the threshold for permitting is 2,000 places for production pigs (over 30kg), or 750 places for sows.

If the future number of pigs is increased or the type of pigs are changed then the operator of the unit may require a permit to comply with The Environmental Permitting (England and Wales) Regulations 2016.

- **Abstractions**

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

- **Discharges**

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) 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.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

All wash water and manures arising from agricultural 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.

PCC – Land Drainage

Correspondence received 21st September 2017

Thank you for consulting the LLFA. Having reviewed the submitted documentation the LLFA would make the following observations/comments/recommendations:-

Local Flood Risk/Land Drainage

Observation: The findings of the 'FCA and Surface Water Management Plan' prepared by Hydro-Logic Services dated May 2017, is generally acceptable. However, and for clarity, the 'ditch' mentioned in the document, over which the access track is being placed, is classified as an 'Ordinary' watercourse, as defined in the Land Drainage Act 1991.

Comment: In order to safeguard the watercourse channel, the minimum requirement would be to allow for a 5 metre buffer strip adjacent to top of bank of the watercourse, which would also allow for any overland flows. No buildings, structures or alteration of contours shall take place within this 5 metre strip without prior permission from the Planning Authority.

The LLFA would point out that the Developer will need to secure an Ordinary Watercourse Consent for the proposed culverting beneath the proposed access track. The detailed design submitted on drawing ref IP/WJ/05 –'culvert detail' dated May 2017, is not deemed acceptable. Best practise design should be followed as set out in CIRIA C689 – 'Culvert design and operation guide'.

Recommendation: No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.

Recommendation: Prior to commencement on site, a detailed design for the access track culvert structure shall be submitted to and approved in writing by the LPA. The design of the culvert shall follow CIRIA C689 – Culvert design and operation guide. The approved culvert scheme shall be completed before the site becomes operational.

Reason: To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.

Informative: The LLFA is, in general, opposed to culverting of 'Ordinary' watercourses but culverting for development access purposes is acceptable if this is kept to a minimum. Any proposed culverting (or alteration of an existing culvert structure) which effects an Ordinary watercourse, will require the prior consent from the LLFA (Powys County Council) under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010) before work commences. Relevant application forms and guidance should be sought from the County Council's Land Drainage team (land.drainage@powys.gov.uk). 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.

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to soakaway. Further reference to the use of soakaways is made within the ‘FCA and Surface Water Management Plan’ prepared by Hydro-Logic Services dated May 2017. Calculations and an indicative layout drawing(s) have been provided within the FCA and Surface Water Management Plan to demonstrate the use and suitability of soakaways on this site. The report findings are deemed acceptable. However, the amended drawing ref IP/WJ/02A dated Sept 2017, does not show the recommended Access Track Infiltration Trenches which are shown in the report, Figure B-4 ‘Outline surface water management plan’.

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 use of soakaways is commended for surface water disposal. Porosity tests and the sizing of the soakaways have been designed in accordance with BRE Digest 365 and, cater for a 1 in 100 year return storm event plus an allowance for climate change.

Full drainage details/drawings should be submitted and approved in writing by the LPA.

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

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The design of the surface water scheme shall follow the principles set out in the FCA and Surface Water Management Plan report prepared by Hydro-Logic Services dated May 2017. The approved drainage scheme shall be completed before the site becomes operational.

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

CADW

Correspondence received 17th July 2017

Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access at Land west of Hill Farm, Hyssington, Montgomery, Powys.

Thank you for your letter 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 MG015 Ffridd Faldwyn Camp. 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 development is located some 810m west-south-west of scheduled monument MG015 Ffridd Faldwyn Camp. The hillfort is located in strong commanding position, with views in all directions: however, the most significant views are to the northwest, north and northeast across the valleys of the Severn and its' tributary the Camlad. The view of the important ford crossing the Severn known as Rhydwhyman to the northwest is noted as being of particular significance.

The proposed development consists of two parallel pitched roofed agricultural buildings with a pitch roofed manure store. New areas of native woodland will be planted to the north and south with the existing hedgerows to the east and west reinforced by additional planting.

The proposed development will be located in a steep sided valley. It is not located in one of the identified significant views from the scheduled monument and it appears that the view will be blocked or extensively screened by topography and the existing and proposed vegetation. As such, in our opinion, the proposed development is unlikely to have an impact on the setting of scheduled monument MG015

CPAT

Correspondence received 13th July 2017

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

Representations

A public site notice was displayed at the site for a period of 21 days. The application has been advertised in the local press.

A number of third party representations have been received by Development Management at the time of writing this report. The comments received are summarised below:

- Access and Egress to and from the site.
- Ammonia Drift
- Effect on local economy and community
- Effect on local wildlife
- Effect on local Watercourses
- Pests and Vermin
- Inadequate access and highway route that is not suitable for HGV's
- Increased volume of traffic

- Impact upon Ancient Woodland and compensatory measures not justified or acceptable
- Effect on rural setting of the area
- Effect of effluent on rivers and fishing
- Smell/Odour impact on neighbouring dwellings
- Size of proposed development
- Construction traffic as a result of proposal
- Danger of HGV traffic posed to pedestrians/cyclists/horse riders
- Contamination of watercourses with the existing culvert on site
- Traffic routed through Abermule
- Ecological Impact
- High scenic qualities of the area
- Impact upon tourism
- Impact on water table

In addition to the comments received above we have received a petition signed by 105 local resident of Llandyssil and a separate petition signed by 49 residents of Abermule both in objection to the proposed development on the ground of the increase in HGV traffic and the proposed routing of the vehicles.

Montgomeryshire Wildlife Trust

Correspondence received 13th July 2017

Planning Application P/2017/0697: FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access at Land west of Hill Farm Hyssington, Montgomery, Powys, SY15 6HL.

With reference to the above planning application, Montgomeryshire Wildlife Trust wishes to bring the following to your attention.

Preliminary Ecological Appraisal

The Preliminary Ecological Appraisal supporting this application does not consider the full impacts of the proposed development:

1. The area assessed totalled 0.6ha, i.e. the direct development footprint. This therefore does not include the approximately 80ha of land which would be affected by manure applications.
2. The appraisal does not include a full desk-based study, as no data search was obtained from the Local Environmental Record Centre (LERC), which for this area is the Biodiversity Information Service for Powys & Brecon Beacons National Park (BIS). Also MAGIC does not cover Wales. This is justified as follows: "*A public records search was not commissioned as a part of this survey due to the restricted scale of the development proposals and limited potential for impacts to arise outside the site.*" However, bearing mind point 1. above, this approach is inappropriate.

3. Dormice are dismissed due to the poor quality of the hedgerows surrounding the 0.6ha area assessed. However, hedgerows provide important habitat connectivity for dormice. There are areas of woodland and trees, potentially supporting dormouse populations, nearby, including an ancient woodland along the southern boundary of the proposed manure treatment area.

4. Bearing in mind the narrow lane access to this development and the resulting increase in large vehicles accessing the site, both during development and once in production, consideration should be given to the impacts of these vehicles on the flora and fauna along the route.

Manure Management Plan

The Manure Management Plan does not appear to consider topography or hydrology of the site. This information is essential in understanding the impacts of manure applications. The applicant may also wish to consider the potential impacts of this proposal on those areas of the farm within Glastir.

The potential impacts on air quality of these completely new, large manure inputs should also be fully assessed.

More information needed for determination

With the above in mind, we believe that the Local Authority would be unable to determine this application without additional information. Specifically:

- Ecological assessment of the entire area affected, including full desk study
- Amended Manure Management Plan which fully considers the topography and hydrology of the site, as well as the resulting effects on air quality.

Let us remind you that the Local Authority has a duty, under Section 6 of the Environment (Wales) Act, to seek to maintain and enhance biodiversity and to promote the resilience of ecosystems.

If there is any other information the Montgomeryshire Wildlife Trust can help with, please do not hesitate to contact us.

CPRW

Correspondence received 27th July 2017

1. Consultation

Pre-application consultations for larger developments are relatively new in the planning system. Having observed a number of these in practice it is evident that procedures are currently far from rigorous and implementation remains to be standardised to ensure robustness and efficacy.

There are a number of general issues:

- siting of pre-application consultation notices;
- availability of plans and other documentation which need to be available at a 'neutral,' and easily accessible venue.
- awareness of the local community. In some cases all proximate properties have been contacted in others, including 0697, no nearby residents were made aware of the pending application and only statutory consultees received notification
- accuracy of description of the application. In the case of 0697 this was posted as an application for two livestock barns; not technically inaccurate but at best misleading when it is an Intensive Livestock Unit. We note that this nomenclature is commonly being adopted by agents but fails the test of transparency.

2. Manure Management

No environmental assessment includes the fields on which manure is to be spread so fails to acknowledge the full impact of the development; this is a serious omission

There is insufficient adjacent land on which to spread the manure so road transport to distant sites will be required thus increasing the impact on highways infrastructure and safety. One of these sites is very proximate to dwellings in the town of Montgomery and the other to a large tourism business, the River Severn and the Montgomery Canal SAC.

3. Landscape impact

The site is prominent in a landscape rated as of high scenic value (Landmap) and adjacent to the Outstanding Registered Historic Landscape of Montgomery. Being on the Montgomery Hill road will industrialise a quiet and scenic area much enjoyed by walkers and cyclists in an area promoting sustainable tourism and experiencing a considerable growth in visitors that support the local economy.

The units are described as 'functional' and no attempt has been made to use materials that will blend with the surroundings or site it within the natural topography. Whilst we welcome the additional screening planting now proposed, it is unclear from the plan as to whether these will be native species and semi-mature trees that will provide appropriate habitats and screening within a reasonable timeframe.

The current proposal for three large buildings (two with feed hoppers); concrete lorry parking and turning areas and open manure store are inappropriately industrial in scale and nature for this location.

4. Highways

The only access is via very narrow, winding, steep lanes with no suitable route to the development. The area already has lanes that are now unusable by motorised vehicles due to the increasing weight and width of farm vehicles. The infrastructure of these roads was not intended for use by HGVs and with ever decreasing maintenance budgets the situation in

many communities will become untenable if use by such large vehicles is permitted through misplaced development. Here we note that the width of the proposed access route is at points less than that of an HGV with high banks on either side. There are also properties right on the roadside of the proposed route.

We find no mention in the application of vehicle movements required for construction phase, despite the significant area of hard standing; straw deliveries or manure spreading. Including other ancillary journeys associated with the business there will be a much greater impact than is currently being assessed.

We would request that a proper site based highways survey is seen as essential for all ILU applications in such rural areas.

5. Environment/ecology

As noted above the impact assessment is unacceptably limited to the actual site of the pig units. The data in the nitrates and ammonia reports appears to be standardised rather than site specific and the levels of ammonia in the area of ancient woodland exceeds recognised recommendations. The planting of other trees and hedgerow species does not mitigate for loss of such an important resource.

NRW and the Wye and Usk Foundation are increasingly concerned at the problem of excessive nitrates caused by the plethora of ILUs in the Brecon and Radnorshire areas and with the increase of applications for these units in Montgomeryshire, a similar issue will arise. It is noted that NRW have now issued far more stringent guidelines for these developments and rigorous application must ensue to ensure that risk of environmental consequences is minimised.

There is no analysis of the water consumption of the unit which given the number of animals will be considerable. The application provides no detail of how this water requirement will be fulfilled. Water is a resource requiring careful consideration as does the potential impact of local abstraction.

In conclusion: CPRW Montgomeryshire is fully supportive of the rural economy but this development will provide little benefit. Neither lead company, stock breeding or feed supply are local and there is no potential for significant local employment.

The development is disproportionate to the site and with no suitable access. A smaller proposal, properly screened and sited proximate to existing farm buildings producing only as much manure as may be accommodated on adjacent fields may well prove acceptable. The current proposal does not meet the criteria of the right development in the right place given the high number of potentially negative impacts.

We would respectfully request that these impacts on the local environment and community are carefully and rigorously assessed.

Should the application be consented then we request that consideration be given to setting planning conditions regarding:

- the size of vehicles accessing the site and a requirement for fixed base vehicles only;
- transportation of manure being only via field gates and not the public highway;
- regular monitoring of noise and odour emissions with restrictions imposed should these exceed permitted levels, and
- a requirement for green cladding on walls and roof of all buildings

Principal Planning Constraints

Public Right of Way
Class 3 Road C2143

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 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 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

Local 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

ENV9 – Woodland Planting

ENV14 – Listed Buildings

ENV17 – Ancient Monuments and 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
T1 – Highways Improvement Schemes
RL6 - Rights of Way and Access to the Countryside
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC9 – Protection of Water Resources
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

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 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 details development proposals and associated thresholds defining where a development proposal constitutes EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists those developments where EIA is mandatory and Schedule 2 where the 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 pigs is 3,000 places for production pigs (over 30kg) or 900 places for sows”. Whilst an Environmental Impact Assessment is not a mandatory requirement for the proposed development, the floor area of the proposed building exceeds the applicable threshold of 500 square metres and therefore for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued by the Local Planning Authority.

The proposed pig development was assessed against the selection criteria contained within schedule 3 of the Regulations, with the opinion being that the development was not EIA development.

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

Hill Farm is an established farming business that extends to 200 acres and is currently operated as a sheep farm lambing 960 ewes. The business has seen significant reductions in the returns for the traditional business and now seek to diversify into pig production for the future profitability of the agricultural enterprise. The applicant have chosen to follow the route of a pig production/fattening unit as the most profitable farm diversification option. This option has also been chosen as it is likely to generate the least traffic of the possible options open to them. The applicants have secured a contract for the rearing and finishing of pigs within the proposed unit.

Planning policy acknowledges that rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasises 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 therefore encouraging Local Authorities to facilitate appropriate rural development.

Notwithstanding the policy in favour of appropriate rural development, support needs to be balanced against other material considerations including landscape and visual impact, highway safety implications, ecology together with the potential impact on local amenity. Consideration of such matters is duly given below.

Landscape and Visual Impact

Guidance within 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.

This application site is located within the Llandyssil Hill and Scarp Grazing which is characterised as an area of rolling upland grazing centre on an intricate patchwork of small field parcels bounded by treed hedgerows. The majority of the area is of a more open nature with larger grazed and cultivated fields and dispersed settlements / farmsteads overlooking the flat open farmland of the Severn Vale. Whilst LANDMAP recognises its scenic quality as high, there is a moderate degree of rarity. It's overall visual and sensory assessment is moderate.

The proposed buildings are to be located approximately 700 metres to the north west of the main farm complex. This land is within the main land holding of the farm and currently is used for agricultural grazing purposes. The site is relatively flat being in a low point in the valley with the topography of the surrounding land rising in an easterly and westerly direction. The

existing field boundaries consist of existing mature hedgerows and trees with the classified highway adjacent to the north of the site. The site although detached from the main farm complex is located in a sympathetic location and is not highly visible in the wider landscape. The site is not directly visible from the nearest neighbouring property to the south west and is to be screened further to the north and south by proposed woodland planting. It is considered that the proposed additional landscaping measures will further reduce any potential visual impact from the development over and above that of the existing landscape features and topography of the site.

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.

The proposed building although not located on the main farm complex is within a short driving distance of the farm and on a site that is less visible than the main farm complex itself. The applicant has chosen this site as it is not possible to locate the proposed development on the main farm complex due to the complex being inaccessible to HGV vehicles which are required to service a development of this nature. The applicant considered that the development was not feasible adjacent to the main farm complex.

Whilst the siting of the building is somewhat detached from the existing farm complex, the siting is considered on balance to be acceptable in this case for the above reasons. Given the existing landscape features and topography of the land together with potential additional landscaping measures, it is considered by Officers that the proposal is capable of being accommodated without causing unacceptable harm to existing character and appearance of the surrounding area and landscape.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that on balance with the further landscaping measures proposed the development is broadly in accordance with planning policy. Officers consider that the visual and landscape impact associated with the proposed pig unit development can be appropriately managed thereby safeguard the Powys landscape in accordance with policies SP3, ENV2, EC1, EC9 and EC10 of the Powys Unitary Development Plan.

Scheduled Ancient Monument

As part of this application process CADW have been consulted as the proposed development site is located approximately 810 metres west-south-west of the scheduled monument known as Ffridd Faldwyn Camp (MG015). CADW have assessed the potential impact the proposed development would have upon the setting of the scheduled ancient monument and have concluded that due to the existing screening and topography of the land between the proposed development site and the scheduled ancient monument, the proposed development is unlikely to have an impact on the setting of the 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.

Listed Buildings

The proposed development site is located approximately 450 metres from the nearest listed building known as Cwminkin which is grade II listed. Policy ENV14 states that developments that unacceptably adversely affect a listed building or its setting will be refused.

In considering the development the proposed site is not visible from the nearest listed building due to the topography of the adjoining land to the site and officers consider that there would be no impact upon the setting of this listed building as the site is not visible from the building.

In light of the above, it is considered that the proposed development fundamentally complies with policy ENV14 of the Powys Unitary Development Plan 2010.

Public Rights of Way

Public footpath no. 252/17 runs directly adjacent to the site on the other side of the field boundary hedgerow to the west of the site. As part of this application process the countryside services officers have been consulted and they have confirmed that the development would not affect any public right of way.

The proposed development is therefore considered to fundamentally comply with policy RL6 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

Policy GP4 of the Powys Unitary Development Plan indicates that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking.

Access to the site is to be provided via a new access created onto the classified highway adjacent to the north of the site. The proposed access road will run a short length from the road onto an area of hardstanding and turning area directly associated and outside the proposed livestock buildings. Woodland planting is proposed either side of the proposed access road to screen the development from the highway.

As part of this application process the highways authority have been consulted and have raised no objections to the proposal subject to a number of conditions to secure further details regarding the proposal and to secure 5 passing places on the highway verge along the proposed HGV route into and out of the site.

Officers have recommended that the wording of some of the highways conditions be amended as per the recommended conditions below to ensure details of passing places are

provided prior to any works commencing on site. In respect of passing places a grampian condition is recommended to secure the details.

In light of the highways officer's comments and suggested conditions, officers consider that subject to the changes to wording of a condition suggested, the proposed development is in accordance with planning policy, particularly policies GP4 of the Powys UDP, Technical Advice Note 18 and Planning Policy Wales.

Biodiversity and Ecology

SAC's and SSSI's

Policies ENV4, ENV5 and ENV6 indicate that development proposals should preserve and enhance biodiversity and features of ecological interest. 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.

It is considered that the key impacts associated with the proposed development include impacts to water quality through surface water run-off and manure spreading. According to the findings of the modelling of the dispersion and deposition of ammonia report submitted with the application the deposition rate would fall below the lower threshold percentage of critical level or load as set out by the Natural Resources Wales at all the sites considered.

The ammonia modelling report identifies several Ancient Woodlands within 2km of the site. The report predicts that the process contribution to the annual mean concentration would exceed 100% of the critical load over the ancient woodland 230 meters to the east of the site. The proposed development has included the planting of native woodland, hedgerow and tree planting as a compensatory measure for the potential adverse effects on the Ancient Woodland.

Following consultation with the Powys Ecologist parts of the Montgomery Canal SAC were identified as being within 5 km of the proposed development. The Ecologist stated that the ammonia and nitrogen levels identified within supporting reports were below the threshold set by NRW and concluded that no significant effects on this site are therefore envisaged.

In light of the above and subject to the imposition of conditions suggested by both NRW and the County Ecologist, it is considered that the proposed development is in accordance with policies ENV4, ENV 5 and ENV 6 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Protected Species

Policy ENV7 of the Powys UDP, TAN5 and PPW seek to safeguard protected species and their habitats.

As part of the supporting information for this application a preliminary ecological appraisal has been submitted. The report found that the site was considered to be of low intrinsic biodiversity value and that the site was not of sufficient ecological value to warrant wholesale protection from the proposed development. The report recommends a number of ecological enhancement measures to include the erection of bird boxes in trees adjacent to the site.

The county ecologist and Natural Resources Wales have been consulted as part of this application process. No objections have been raised to the proposed development and the ecologist has recommended a number of conditions to be attached to any grant of consent.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies SP3, ENV3 and ENV7 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour. As part of this application process a number of letters of objection have been received by Development Management at the time of writing this report. Objections have been raised by the occupants of the nearby property known as Cwminkin. The points raised by objectors are listed in the section above.

This property is located approximately 450 metres in a south westerly direction from the application site. Officers have considered the proximity of the proposed development to the existing dwelling and consider that there would be no significant adverse impact upon the residential amenity enjoyed by the occupants of the property as a result of the proposal. In addition to this any potential noise and odour generated from the proposed building has been considered in the sections below.

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. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

As part of this application process Environmental Health officers have been consulted. The Environmental Health officer is satisfied with the information submitted with the application. No further information has been requested.

On the basis of the submitted information and comments received, officers consider that sufficient information has been submitted in support of the application to demonstrate that the proposed pig development will not have an unacceptable adverse impact on the amenities enjoyed by the occupants of the neighbouring property 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.

Odour

In terms of odour, odour levels can be assessed using odour dispersal model based on standardised values. Odour concentrations are expressed as European odour units per cubic metre (ouE/m³). The Environment Agency (EA) has published guidance for the objective assessment of odour impacts: How to Comply with Your Permit- H4 Odour Management. It recommends the use of 98th percentile of hourly average odour concentrations modelled over a year. Appendix 3 of this document provides a benchmark of 3.0 ouE/m³ for moderately offensive odours. Moderately offensive odours are identified as including those associated with intensive livestock rearing. It is noted that the use of this threshold has been supported by Inspectors in planning appeal decisions.

An Odour Dispersion Modelling Study was submitted in support of the application. The report concluded that at all the residential receptors considered, the predicted odour concentration are below the Environment Agency (and NRW) benchmark for moderately offensive odours.

As part of this application process Environmental Health have been consulted, no objections have been raised by the officer and they are satisfied that the information provided in respect of ammonia dispersal for the proposed development is satisfactory.

In light of the above, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of odour. Following consultation, it is noted that no concerns have been raised by the Environmental Health Department in this respect. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular UDP Policy GP1.

Land Drainage

As part of this application process the authorities land drainage officer has been consulted. Comments have been received in respect of local flood risk and surface run off from the site. A flood consequence assessment and surface water management plan has been submitted in support of the application which provides detailed calculations and specifications for the soakaway systems proposed as shown on the submitted plans.

The officer has raised no objections to the scheme, however has recommended a number of conditions be attached to any grant of consent to secure further details in respect of the proposed culvert structure below the proposed access track and a detailed scheme for surface water drainage.

In light of the officer's comments and recommended conditions, it is considered that subject to the conditions the proposed development fundamentally complies with policy DC13 of the Powys Unitary Development Plan 2010.

Archaeology

As part of this application process Clwyd Powys Archaeological Trust have been consult in respect of potential archaeological implications for the site. Comments have been received in response confirming that there are no concerns in respect of archaeology on the proposed site.

In light of the above, it is considered that the proposed development fundamentally complies with ENV17 of the Powys Unitary Development Plan 2010.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

The proposed development is considered to be fundamentally in accordance with relevant policy subject to the inclusion of recommended conditions upon any grant of consent. The recommendation is one of conditional consent.

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 19th June 2017 (drawing no's: IP/WJ/03, IP/WJ/04, IP/WJ/05, 1489.01 and documents: Design and Access Statement - received 19th June 2017, Manure Plan - received 19th June 2017, Flood Consequence Assessment and Surface Water Management Plan – received 19th June 2017, Method Statement and Pollution prevention Plan - received 19th June 2017) and amended plans received 13th September 2017 (drawing no's: IP/WJ/02A, IP/WJ/01A).
3. The recommendations regarding hedgerows, trees, great crested newts, amphibians, reptiles, nesting birds, bats and other wildlife identified in pages 18-20 of the Ecological Report by Emms and Barnet dated April 2017 shall be adhered to and implemented in full.
4. The Landscaping Scheme specifications and aftercare measures identified on drawing number 1489.01 (Landscape Proposals) by Allan Moss Associates Ltd. (May 2017) shall be adhered to and implemented in full.

5. The Method Statement and Pollution Prevention Plan submitted with the application shall be implemented as approved and maintained thereafter.
6. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
7. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
9. 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.
10. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.
11. Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 - 1900 Monday to Saturday, and at no time on Sundays or Bank Holidays.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
13. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
14. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
15. No development shall commence until details of existing ground levels and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
16. No development shall commence until full details of the HGV transport route to and from the site together with a schedule of delivery times has been submitted to and approved in writing by the Local Planning Authority. The approved routing agreement shall thereafter be fully complied with for the duration of the development.
17. Prior to the beneficial use of the development any entrance gates shall be set back at least 20 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.

18. No other development shall commence until 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. 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.
19. Before any other development commences the access to be used by vehicles shall 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 20 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.
20. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 3 cars and 3 heavy goods vehicles 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.
21. 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.
22. The width of the access carriageway, constructed as condition 19 above, shall be not less than 6 metres for a minimum distance of 20 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.
23. Prior to the first beneficial use of the development a radius of 15 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
24. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.

25. Upon completion of the access as condition 19 above any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
26. A minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the soakaway installation shall be maintained.
27. 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 completed and fully operational prior to the beneficial use of the development hereby permitted. The system shall be retained and maintained for as long as the development remains in existence.
28. Upon formation of the visibility splays as detailed in condition 18 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.
29. No storm water drainage from the site shall be allowed to discharge onto the county highway.
30. No development shall commence until a scheme for the provision of 5 passing bays, the specification and locations of which shall be submitted and agreed in writing by the Local Planning Authority. The passing bays shall be constructed to an adoptable standard prior to any works being commenced on the development site.
31. No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Local Planning Authority.
32. Prior to commencement on site, a detailed design for the access track culvert structure shall be submitted to and approved in writing by the Local Planning Authority. The design of the culvert shall follow CIRIA C689 – Culvert design and operation guide. The approved culvert scheme shall be completed before the site becomes operational.
33. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The design of the surface water scheme shall follow the principles set out in the Flood Consequences Assessment and Surface Water Management Plan report prepared by Hydro-Logic Services dated May 2017. The approved drainage scheme shall be completed before the site becomes operational.

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, 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.
4. 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 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 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.
7. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
9. 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.
10. 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.
11. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
12. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
13. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
14. To safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).

15. In order that the Local Planning Authority can be satisfied that impact on the landscape and gradients are acceptable in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
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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29. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
30. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

31. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
32. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
33. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

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.

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

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.

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.

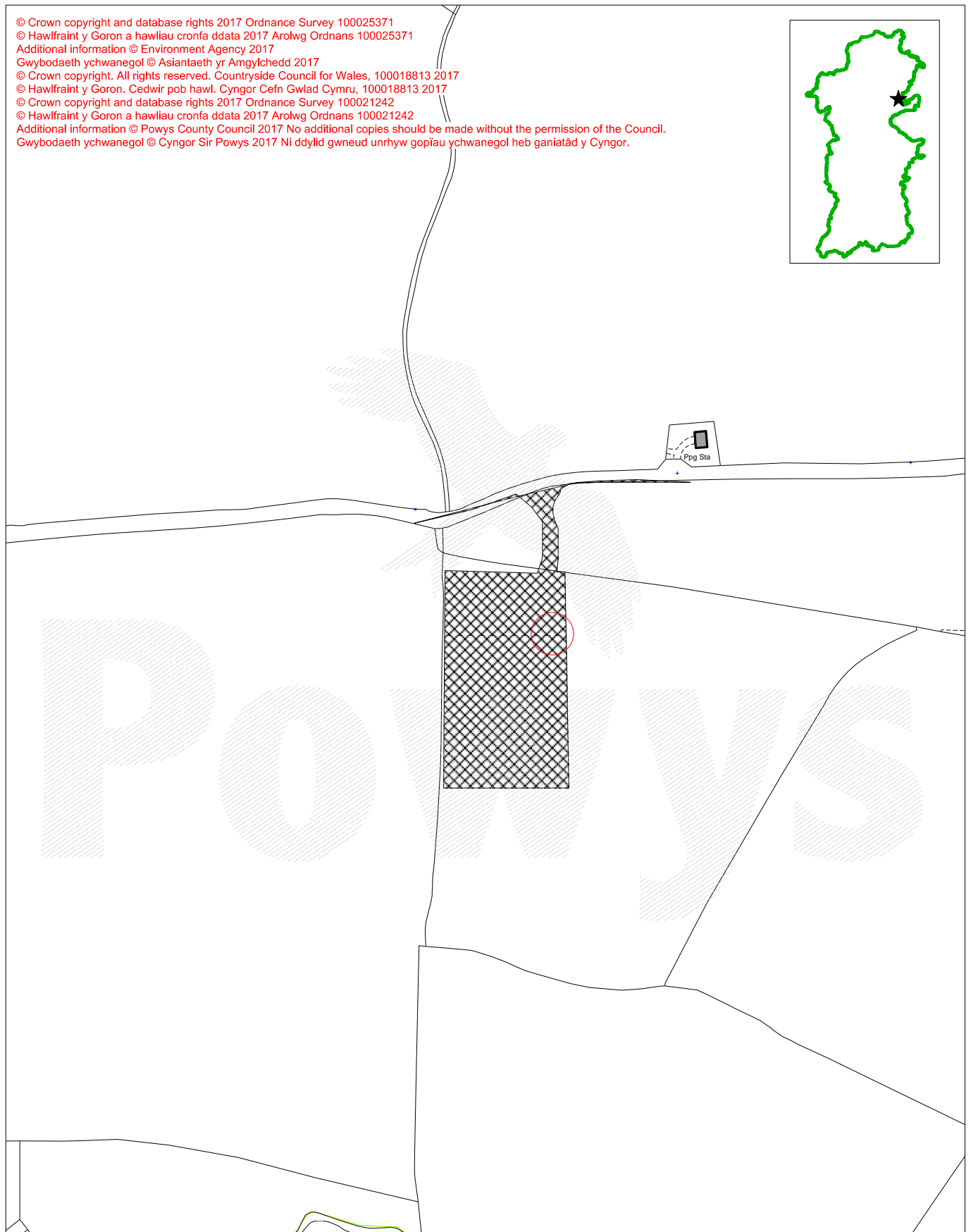
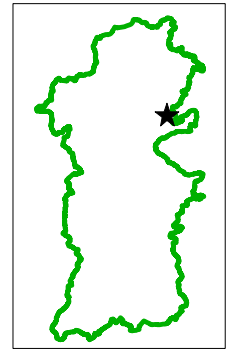
PCC - Land Drainage

The LLFA is, in general, opposed to culverting of 'Ordinary' watercourses but culverting for development access purposes is acceptable if this is kept to a minimum. Any proposed culverting (or alteration of an existing culvert structure) which effects an Ordinary watercourse, will require the prior consent from the LLFA (Powys County Council) under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010) before work commences. Relevant application forms and guidance should be sought from the County Council's Land Drainage team (land.drainage@powys.gov.uk). 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.

Case Officer: Bryn Pryce- Planning Officer
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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

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

The reason for Committee determination

The application is to be determined by Planning, Taxi Licensing and Rights of Committee as it represents a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located within the Community Council area for Llanidloes. The application site is located outside of the settlement development limits for Llanidloes and is therefore considered to be a departure from the Unitary Development Plan.

The application site is located with neighbouring residential properties located to the west of the application with agricultural land then located to the east and south. To the north runs the B4519 County II Class highway.

Consent is sought in outline with some matters reserved except for access for the proposed residential development of 96 dwellings including vehicular access, infrastructure and all associated works.

Consultee Response

Llanidloes Town Council-

Please find below, comments from Llanidloes Town Council on the following planning application

Application Ref P/2017/0423 Outline – Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved) at Land adj Dolgwenith and Tan y Bryn Llanidloes Powys –

We are fully supportive of the development as we need houses for young families. However, we wish to make the following points;-

- i) Before any development begins, we would request a minimum of 20 car parking spaces for the residents of the properties adjacent to the Bryndu Road. The Bryndu Road should be double yellow lined with restrictive parking from Green Villa to the 30 mph sign.
- ii) Local Needs/Affordable Housing – The s106 clauses/restrictions which are stated in the beginning should remain in perpetuity.
- iii) The development should be aesthetically pleasing throughout the development so that it doesn't look like a building site
- iv) There should be an adequate number of affordable 3 and 4 bedroom houses
- v) The developer should be made aware of the Culvert which runs through the proposed site

PCC Highways-

The County Council as Highway Authority for the County Class II Highway, B4518

Wish the following recommendations/Observations be applied
Recommendations/Observations

The proposed development of an estate of 96 dwellings will represent a large development for the town of Llanidloes. During the assessment of this application consideration had to be given how the proposed traffic from the development could be integrated into the existing network. Fortunately, the existing traffic levels along the Class II highway, Bryndu Road, are low so there are no capacity issues with the addition of the developments traffic

One of the major issues that needed to be considered in further detail was how to ensure that the pedestrian traffic from the development could be safely accommodated in accordance with the requirements of the Active Travel (Wales) Act 2013. Whilst the proposals include a new length of footway towards the town centre, pedestrians will be required to cross to the opposite footway and then continue along that side of the carriageway to the town. However, pedestrians wishing to walk to the Dolgwenith estate or school children wishing to utilise the route to access either the primary or high school through the Caegwyn estate will exit the new estate, cross Bryndu Road to the footway opposite and will then need to re-cross the road to get to the steps adjacent the bridge over the trunk road and then continue through the Caegwyn estate. Although we do not consider this route to pose highway safety issues it does not reflect the natural pedestrian desire lines to reach the adjacent estate or steps to the Caegwyn estate.

In order to try and reach a more comprehensive solution, officers from the Authority liaised with officers from the Housing Department, who own the adjacent piece of land between the development site and Dolgwenith estate, to try and establish whether a continuous footway could be provided from the new estate entrance across the Housing Department land and join up with the existing footway at the entrance to the Dolgwenith estate. Whilst Housing officers were very supportive of seeking an overall position that would see benefits for the both the developer and Powys County Council, confirmation was received from the developer's agent that they did not wish to alter their current submission and the development would be based on the details submitted.

Recs:

Prior to the commencement of any works on the development site full engineering details shall be submitted and approved in writing by the local planning authority for all highway related infrastructure including off site footways and onsite estate roads.

Prior to the occupation of any of the dwellings the off-site footway works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 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 15 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 0.26 metres above ground level at the edge of the adjoining carriageway and 63 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.

HC9 Prior to the occupation of the any dwelling provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking area shall be retained for their designated use in perpetuity.

HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

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

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC22 Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

PCC Building Control-

Building regulation approval will be required.

PCC Environmental Health-

Thank you for your consultation in respect of this application, I note that the applicant is proposing connection to mains drainage and I therefore have no objection to the proposal.

If consented this will be a large construction project in a residential area, which has the potential to impact on the amenity of nearby neighbours during the build phase. I would therefore recommend a condition requiring a construction management plan, in addition I would propose the following hours of operation:-

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

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

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

PCC Schools Services-

Please find below the Schools Service response to this planning application.

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

Primary aged pupils from this development would attend Llanidloes Primary School and the school is currently near or at capacity in a number of year groups (Years 1, 4, 5 and 6). A development of 96 dwellings is forecast to generate 22 primary aged pupils (0.23 pupils per dwelling x no of dwellings). The 10 affordable dwellings indicated in the application have not been included in the monetary calculation.

The Authority has a duty to ensure that there are sufficient school places available for children in the area and this development would put additional pressure on the school. In addition, if a place is not available at the nearest school to the home address, the Authority has a duty to offer an alternative place and fund any required transport for up to 7 years whilst that child is in the alternative school. The Schools Service therefore wishes to request a S106 contribution of £205,634 in respect of this development. These monies would be put towards remodelling/restructuring the school to create additional teaching space.

If you need any further information or anything requires clarification please get in touch.

PCC Countryside Services-

30/05/2017-

I've taken a look at application P/2017/0423 - outline residential development of 96 houses – and there are no public rights of way that are affected. Please could we discuss the possibility of a contribution towards the nearby routes or inclusion of a multi-user route through the development? Let me know when you have a few minutes free.

Following further discussions:

The officer confirmed they had no comments they wished to make with regards to this application.

National Resources Wales-

Thank you for your consultation received on 28th May 2017. We have reviewed the information submitted.

If any of the details submitted with this outline planning application are amended (e.g. the proposed drainage arrangements) at the reserved matters stage the Local Planning Authority may be required to re-consult NRW.

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.

Construction Environmental Management (CEMP)

We suggest that a number of environmental considerations could be met in a Construction Environmental Management (CEMP) to include a Biosecurity Risk Assessment and INNS management plan, pollution prevention plan and surface water management plan.

Condition 1 – Submission at reserved matters application of a Construction Environmental Management (CEMP) to include a Biosecurity Risk Assessment, INNS Management Plan, pollution prevention plan and surface water management plan.

- Invasive Species - Japanese Knotweed

In Thomas. A (October 2013) paragraphs 1.4 and 10.4 it is acknowledged that Japanese knotweed has been found on the site. The applicants will need to provide a Biosecurity Risk Assessment and an Invasive Non Native Species (INNS) Management Plan to demonstrate the appropriate measures to control Japanese Knotweed and any other INNS that may arrive on site during the construction and operational phases of the scheme.

- Pollution Prevention Plan

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction or landscaping. When working near watercourses, work must be carried out in a manner so as not to cause pollution of controlled waters. It is an offence under Regulations 38 of the Environmental Permitting Regulations 2010 to cause or knowingly permit a polluting water discharge activity.

All works at the site must be carried out in accordance PPG6: 'Working at construction and demolition sites'. Any works and maintenance in or near water will need to follow Guidance for Pollution Prevention 5. Guidance for pollution prevention is available online 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, Natural Resources Wales must be notified on immediately on Tel: 03000 65 3000

- Surface Water Drainage

Our plans show that the Cwm Jonathan watercourse runs through the site and that while some sections of it are already culverted there is an un-culverted section between SN95635 83766 and SN95647 83731. There are further watercourse along the south west boundary of the site and a well.

Land drainage consent from the Lead Local Flood Authority (i.e. Powys County Council) would be necessary if culverting of the watercourse is proposed.

The grant 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.

Flood Risk

The site is NOT within a C2 flood zone as defined by the Development Advice Maps (DAM) referred to under TAN15 Development and Flood Risk (July 2004). Therefore the lead local flood authority i.e. Powys County Council will provide comments on any unmapped flood risk and operational issues relating to localised watercourses as well as surface water control proposals.

European Protected Species

Bats, great crested newts and otters 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 these species under the Regulations would require a derogation licence from Natural Resources Wales. Badgers are protected under the Protection of Badgers Act 1992.

We have reviewed Thomas. A (October 2013) An Extended Phase 1 habitat and Species Assessment by Just Mammals and Ward. P (30 November 2016) Preliminary Ecological Appraisal including for Protected Species Ref 16.025 by Mid Wales Ecology.

The block plan R095.1.0.02 dated 12.12.16 indicates that the existing storage yard and the existing dwelling are to be retained, although they do fall within the application site boundary of this outline proposal.

The ecological reports submitted in support of this application are appropriate and comprehensive to inform the planning process. We agree with the Avoidance, mitigation measures and biodiversity enhancements in section 8 of Ward. P (30 November 2016) Preliminary Ecological Appraisal. In particular we agree with;

- Paragraph 8.1 as this could relate to great crested newts
- Paragraphs 8.2 to 8.3.3 relating to badgers and otters,
- Paragraphs 8.4 to 8.7 relating to bats

Therefore, we do not object to the proposal, subject to all avoidance measures described in the ecological report being set out in a method statement submitted at reserved matters stage and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

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 08/05/2017 regarding the above planning 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

Contaminated Land Officer-

In relation to Planning Application P/2017/0423 the following advice is provided for the consideration of Development Control.

Advice

1. Historic ordnance survey (OS) maps identify that the application site is located within 250 metres of two closed landfill sites. The Department of the Environment 'Industry Profile - Waste Recycling, Treatment and Disposal Sites: Landfills and other Waste Treatment or Waste Disposal Sites' (1996) provides information in respect of the potential risks and contaminant sources associated with historic landfill sites.

Furthermore, it is identified that a Builder's Yard is present to the North of the application site.

2. No information appears to have been submitted, in support of Planning Application P/2017/0423, concerning the land use history of the application site or the potential risks to the proposed development associated with the potential presence of land contamination.

3. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

4. Based on the available information the following is recommended:

I. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/0423.

A preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice.

If a preliminary risk assessment identifies that there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, prepared by a qualified and experienced environmental consultant, should also be submitted for review and approval.

II. Alternatively, the following Condition and Note to the applicant could be attached to any permission granted for Planning Application P/2017/0423:

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or

not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012 .

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

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval

in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

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

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

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

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

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

CADW-

Thank you for your letter of 20 April 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, there are no scheduled monuments or registered historic parks and gardens or their settings affected by this proposal. 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.

Representations

One letter of objection has been received. The letter can raises the following areas of concern:

1. The development would bring in a potential number of 300- 400 new residents to a town that does not have the supportive infrastructure, in terms of school places, Doctor's Surgery and associated health services and road capacity.

2. The road is already too narrow for the traffic using it, which includes regular large lorries accessing the Landfill Site.
3. Traffic coming out of Dolgwenith already creates a hazard because of cars parked on the main road which obscure drivers' vision and the closeness of the hump backed bridge, which is effectively a blind summit.
4. Children are already in danger on this road because of the above and the lack of decent foot paths and street lighting.
5. This development would be totally disproportionate within the location and local community.

Planning History

None for this application site.

Principal Planning Constraints

Historic Landscapes Register

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) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 – Economic Development (2014)
Technical Advice Note (TAN) 24 – The Historic Environment (2017)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP5 – Housing Developments
SP6 – Development and Transport
GP1 – Development Control
GP2 – Planning Obligations

GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5- Welsh Language and Culture
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
RL6 – Rights of Way and Access to the Countryside
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 is located entirely outside but adjoins the settlement development limits for Llanidloes as defined by 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 as 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 site itself is adjacent to the development boundary of Llanidloes which is identified in the UDP as an area centre. Llanidloes is served by a full range of community services and facilities including a Primary and High school, Leisure Centre and Hospital, numerous shops and public houses.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

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 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. The proposed scheme indicates 96 dwelling of varying designs and scales including a mixture of detached, semi-detached and terraced dwellings.

The application site it is considered forms a natural extension to the existing settlement of Llanidloes and adjoins the existing residential estate of Tan y Bryn and Dolgwenith on the eastern and southern boundaries.

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 the 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 proposed dwellings have sufficient distance between the existing properties and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of these neighbouring properties.

Furthermore, a full consultation was held with site notices erected within the adjoining residential estate and no objections have been received in relation to amenity concerns i.e. over-looking, loss of privacy etc.

This layout is for indicative purposes only however it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without comprising the amenity of neighbouring residential properties and therefore 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 the 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 exiting native hedgerows which surround the application site. 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 (B4518) in which access is sought from, taking into account the location of the application site which adjoins onto and is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the 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.

Cadw have also been consulted and confirmed that they have no objections to the proposed development.

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 B4518 via an existing access.

The Highway Authority has been consulted on this application and notes that the existing traffic levels along Bryndu Road (B4518) are low and therefore it is considered that there would be no capacity issues with the addition of the developments traffic. One of the other considerations was pedestrian traffic from the application site. It is noted that the proposed development includes a new length of footway towards the town centre which will then adjoin to the existing footpath on the opposite side of the road along the Bryndu Road which then leads down into the centre of town.

The Highway Authority has confirmed that in principle they would have no objection to the proposed development subject to a number of recommended conditions.

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

An extended Phase 1 Habitat and Species Assessment by Just Mammals and a Preliminary Ecological Appraisal including Protected Species by Mid Wales Ecology was submitted in support of the application.

NRW have been consulted and have confirmed that they have no objection to the proposal, subject to a number of conditions which secure the avoidance measures as identified within the Ecological report.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions, 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).

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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Llanidloes is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County. From the 2011 census for the Llanidloes Ward there was a slight increase in the number of people speaking Welsh from the 2001 census (356 to 439).

Whilst Llanidloes is not within a settlement identified by GP5 it is however considered that given the scale of the proposed development, and the provision of affordable housing it is not considered that the proposal would have an unacceptable adverse impact on Welsh Language and culture.

It is therefore considered that there would be have no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Affordable Housing/ Amenity Space

Under the Powys Local Plan Affordable Housing Topic Paper (Update), September 2016 the target affordable housing contributions for the 'North' area is indicated as a 10% contribution.

Consent is sought in outline for 96 dwellings with 10 of those being proposed as affordable housing in accordance with the updated Affordable Housing Topic Paper. The provision and implementation of the affordable housing will be secured via an appropriately worded condition.

It is also noted that two play areas/public amenity spaces have also been provided for the proposed development. These areas will also therefore be conditioned appropriately to secure its implementation.

Subject to appropriately worded conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Education

The Education Department have been consulted and have confirmed that a contribution is sought in respect of primary education only as there is sufficient surplus capacity at Llanidloes High School to accommodate any secondary aged pupils as a result of from this development.

Primary aged pupils from this development would attend Llanidloes Primary School and the school is currently near or at capacity in a number of year groups (Years 1, 4, 5 and 6). A development of 96 dwellings is forecast to generate 22 primary aged pupils (0.23 pupils per dwelling x no of dwellings). The 10 affordable dwellings indicated in the application have not been included in the monetary calculation.

The Officer has therefore confirmed a contribution of £205,634 would be required for the proposed development in which would be put towards the remodelling/ restructuring the school to create additional teaching space.

In light of the above it is therefore considered that the contribution will be secured via a Section 106 agreement.

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

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land

supply. The proposed development is for the provision of 96 dwellings in what is considered to be a sustainable location given its proximity to the area centre of Llanidloes. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.

It is therefore recommended that the application is approved subject to the signing of a Section 106 agreement to secure the education contribution within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the commencement of any works on the development site full engineering details shall be submitted and approved in writing by the local planning authority for all highway related infrastructure including off site footways and onsite estate roads.
5. Prior to the occupation of any of the dwellings the off-site footway works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.
6. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 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 15 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. 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 63 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway

Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9. Prior to the occupation of the any dwelling provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking area shall be retained for their designated use in perpetuity

10. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

11. 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.

12. 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.

13. 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.

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

15. 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.

16. 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.

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

18. 1. 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.

19. 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.

20. 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.

21. 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.

22. 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 10% 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.

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

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

25. Prior to the commencement of development a method statement for the reasonable avoidance measures as identified in the Preliminary Ecological Appraisals shall be submitted to and approved in writing by the Local Planning Department. Development thereafter shall be completed in full accordance with the details as approved.

26. Prior to the commencement of development a scheme for the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

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

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

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

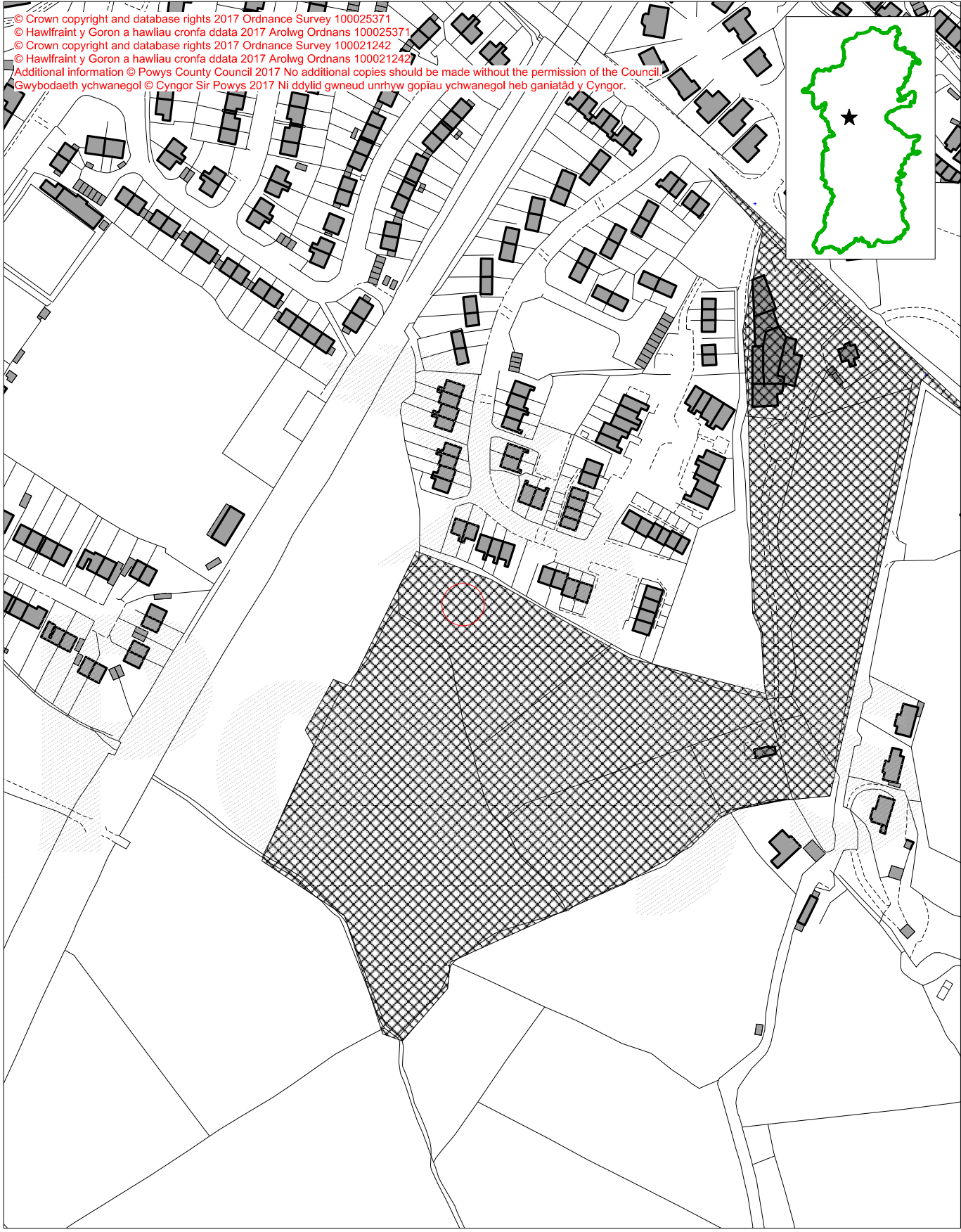
Reasons

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. 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.
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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 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 9, 2016).
19. 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 9, 2016).
20. 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 9, 2016).
21. 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 9, 2016).
22. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).
23. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).
24. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

25. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
26. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1 and DC10 and DC11 of the Powys County Council Unitary Development Plan.
27. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@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

7.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0363	Grid Ref:	323017.02 320611.99
Community Council:	Llansantffraid	Valid Date:	Officer: 04/04/2017 Tamsin Law
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 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 subject to this application is located adjoining the Llansantffraid-ym-Mechain development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside. The Powys UDP defines Llansantffraid-ym-Mechain as a Key Settlement.

The site is located to the east of the existing development boundary and existing residential dwellings. The site is bound to the north-west by the A495 highway, to the north-east and south east by agricultural land.

Consent is sought in outline, with all matters apart from access reserved for future consideration, for the construction of up to 9 dwellings, including a provision of a two affordable dwellings (7 open market + 2 affordable unit). The scheme will utilise the existing entrance road into the site that already provides access to agricultural buildings..

Consultee Response

Llansantffraid CC

1st Response:

Planning application P2017/0363 was discussed at a recent meeting of the above council and the council objects to the application for 2 reasons:-

The access to the proposed site is in a very dangerous area.

The piece of land is not included in the Local Development plan.

It was questioned as to whether there is any money allocated for recreational purposes from the proposed development on the land adjacent to Dyffryn Foel? Perhaps you could look in to this please?

2nd Response:

The above council do not support planning application P2017 0363 for the same reasons mentioned previously - the proposed access is in a very dangerous place and the land is outside the LDP.

Cadw

1st Response:

Thank you for your letter of 24 April 2017 inviting our comments on the planning application for the proposed development as described above.

The statutory role of Historic Environment Service (Cadw) in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The application area is located some 91m from east of the boundary of scheduled monument MG216 Roman Supply Depot, Llansantffraid ym Mechain. The monument comprises a roughly oval embanked enclosure, approximately 80m north-west to south-east by at least 100m, set on ground falling to the south-east. Trenching in 1987-8, and resistivity survey, showed that the enclosure was defined by two ditches. Although it is suggested that the site may be a Roman Supply Depot, no Roman material was recovered during the excavations, and it is possible that this is a later prehistoric settlement enclosure.

The proposed development will be of 9 houses with some facing the A495 and some in a close behind. Views between the proposed development and the scheduled monument are blocked by existing buildings and vegetation. Consequently the proposed development will not have any impact on the setting of the scheduled monument.

2nd Response:

The additional information does not alter the advice in our letter of the 26th April 2017.

PCC Highways

The unclassified highway does not abut the application site and there is an approximate 23 metre distance between the end of the highway and the application site boundary. As such the new estate road will need to incorporate this length of private highway in order to ensure that adoptable standards are constructed for the entire estate road.

Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

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 15 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 dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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 dwellings remain in existence.

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 15 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.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of

the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

Building Regulations application required.

Wales and West Utilities

No comments received by Development Management at the time of writing this report.

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

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

PCC Environmental Health

The proposal for the foul drainage is to connect to the mains sewer. Environmental Protection has no objection to this application.

PCC Affordable Housing

1st Response:

I am happy with the application as long as the following guidelines are adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

2nd Response:

Llansanffried						
	All Accommodation types	Bungalow All bed no.s	Flat / Bedsit / Maisonette All bed no.s	House All bed no.s	TOTAL number of units	Applications with multiple house type choices
	53	24	28	19	71	71 - 53 = 18
1 bed	24	12	19	2		
2 bed	38	20	18	12		
3 bed	7	2	1	7		
4 bed	3	2	1	3		
5 bed	0	0	0	0		
	72	36	39	24		
Applications with multiple bed no choices	72 - 53 = 19	36 - 24 = 12	39 - 28 = 11	24 - 19 = 5		

Welsh Government Transport

I refer to your consultation of 10 April 2017 regarding the above 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.

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

CPAT

1st Response:

Thank you for the consultation relating to the above proposals.

Information retained within the Regional Historic Environment Record indicates that this application site lies within an area of potential archaeological sensitivity. The plot lies 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. 40 metres to the east there are some rectangular ditched enclosures recognised on 1984 aerial photography which remain undated but could be related to the Roman military activity (PRN 3636 Bryn Vyrnwy Cropmarks). The development plot lies in close proximity to both of these sites and may therefore contain Roman period archaeology. In addition the plot lies on a river terrace which would have been attractive to prehistoric seasonal and permanent activity and there may be unrecorded surface archaeology of this period here. The 2 metre resolution LiDAR data for the plot also shows a late or post medieval ridge and furrow field system throughout the plot on a NE/SW orientation. The ridge and furrow appears to overlie a bank of unknown function and date oriented NE to SW.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government Planning Policy Wales (Edition 8, Jan 2016), Circular 60/96 - Archaeology and Planning (Dec 96) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached advisory information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work and a guidance note on commissioning archaeological works in our area.

Please contact me if you wish to discuss the above advice or require any more information.

2nd Response:

Thank you for the amended details notification.

I can confirm that none of the changes affect our previous advice requiring a pre-determination evaluation of the plot. We understand that the applicants have engaged the Trysor archaeological contractors to complete the evaluation and we await the results before commenting further.

3rd Response:

Further to my earlier email I can confirm that additional archaeological work in the form of a 10x10 metre square excavation area will be required around the location of the Bronze Age pit found in Trench A of the evaluation at the northern edge of the site. The pit is unlikely to be a solitary feature and they normally occur in group and represent a temporary cooking or processing area.

The agent has confirmed that the applicant is happy to complete the additional archaeological work as a condition of consent and I have therefore included a scheme of investigation condition to allow this works to take place.

The condition in this case would be;

No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A digital copy of the resulting report should be submitted to the Local Planning Authority and the Development Archaeologist, Clwyd Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a digital copy of the report and resulting archive should be sent to the Historic Environment Record Officer, Clwyd Powys Archaeological Trust for inclusion in the regional Historic Environment Record. A digital copy should also be sent to the RCAHMW NMR, National Library of Wales, Aberystwyth.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development.

Planning Application Reference	P/2017/0363
Project Name / Description	for Outline - Erection of up to 9 dwellings (some matters reserved), formation of vehicular access and all associated works at , Land adj 'Cranford' , , Llansantffraid - Ym - Mechain, Powys.
Consultation Deadline	01/05/2017

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.59 hectares and includes up to 9 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service. The application site appears to be located within an agricultural field grazed by livestock and is bounded by a short length of hedgerow with a mature tree to the south-west (both are indicated to be retained on the submitted site plan). A new hedgerow and tree planting is proposed around the boundary of the new development.

Tudaten 101

	European Species	<p>Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least six bat species, otter and great crested newt from within 2km. There are three otter records from the nearby Afon Cain.</p> <p>No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. The mature tree to the south-west of the site could provide suitable habitat for a bat roost, but would appear to be retained within the development. Due to its potential to provide bat roosting habitat this tree and its root structure should be protected from damage in accordance with BS5837:2012 during the works. I have also made recommendations below regarding sensitive working methods to be adopted should any work need to be carried out on the tree.</p> <p>There is very little hedgerow that could provide bat foraging and commuting habitat surrounding the site and none would be lost to the development. The site does not appear to be suitable for otter and adverse impacts on this species appear unlikely. The nearest pond appears to be located approximately 250m north-west, on the opposite side of the A495. In combination with the lack of apparent suitable habitat at the site, impacts on Great Crested Newt are considered unlikely.</p>
	UK Species	<p>There are historic records of badgers and nesting bird species from the vicinity of the site; the short length of boundary hedgerow and mature tree to the south-west offer potential nesting habitat for a variety of bird species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The site does not appear suitable to support badger setts and adverse impacts on this species are considered unlikely.</p>

Tudalen 103	Section 7 Species & Habitat	<input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are a Section 7 Priority Habitat and I understand that the short section present within the site is to be retained. I therefore recommend that this hedgerow, along with the mature tree within it, is protected during the construction phase.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of native, locally-occurring species.</p> <p>No other Section 7 Species or Habitats are considered likely to be adversely affected due to the nature of the application site.</p>
	LBAP Species & Habitat	<input checked="" type="checkbox"/>	See previous observations.
Protected Sites	International Sites ²	<input type="checkbox"/>	None within the search area.
	National Sites ³	<input type="checkbox"/>	None within the search area.
	Local Sites (within 500m)	<input type="checkbox"/>	None within the search area.

Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.
Tudalen 104	Summary of recommendations / further assessment or work	<p>The mature tree to the south-west of the site could provide suitable habitat for a bat roost, but would appear to be retained within the development. Due to its potential to provide bat roosting habitat this tree and its root structure should be protected from damage in accordance with BS5837:2012 during the works.</p> <p>Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost.</p> <p>All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the <i>Conservation of Habitats and Species Regulations 2010</i>.</p> <p>Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.</p> <p>Under Regulation 41 of the 2010 Regulations it is an offence to:</p> <p><i>(1) deliberately capture, injure or kill any wild animal of a European protected species;</i></p> <p><i>(2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—</i></p> <p><i>(a) to impair their ability—</i></p> <p><i>(i) to survive, to breed or reproduce, or to rear or nurture their young; or</i></p> <p><i>(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or</i></p> <p><i>(b) to affect significantly the local distribution or abundance of the species to which they belong</i></p> <p><i>(3) deliberately take or destroy the eggs of such an animal; or</i></p> <p><i>(4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).</i></p>

Furthermore that all British bats are protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place.

It is therefore recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during tree works. If bats are encountered on site works should stop immediately and NRW should be contacted.

As a precaution it is recommended that the following sensitive felling procedure be implemented to minimise disturbance to bat populations.

- Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.
- If the tree trunk is smaller than 200mm diameter **and** if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (ie avoiding the bird breeding season).
- To avoid disturbing nursery roosts, work will **never** be carried out between June and August inclusive.
- If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should only be cut **only** in September and October when bats, including young are still mobile and able to fly-out.
- Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.

	<p>Hedgerows are a Section 7 Priority Habitat and I understand that the short section present within the site is to be retained. I recommend that this hedgerow, along with the mature tree within it, is protected during the construction phase.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of native, locally-occurring species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 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</p>

	<p>2016.</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none">• intentionally kill, injure or take any wild bird• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built• intentionally take or destroy the egg of any wild bird• intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none">• Intentionally kill, injure or take any 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. <p>Under the Habitats Regulations it is an offence to:</p>
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	<ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p>
Relevant UDP Policies	<p>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

Document Author	Chris Jones	Approved by	Rhydian Roberts
Version	1	Approved Date	24/04/2017

Representations

The application was advertised through the erection of a site notice and press advertisement. Three objections have been received and are summarised below;

- Concerns regarding highway safety
- Increased numbers of traffic
- Concerns regarding the proximity of the access to the national speed limit

Planning History

No relevant history to report.

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2013)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources

UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV11 - Development in Conservation Areas
UDP ENV12 - Permitted Development in Conservation Areas
UDP ENV13 - Demolition in Conservation Areas
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP ENV 18 – Development Proposals Affecting Archaeological Sites
UDP 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

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.

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.

Housing land supply

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.

Sustainable location

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llansantffraid ym Mechain (defined as a Key Settlement within the UDP). The settlement has a number of services including, shops, restaurants, petrol station, church and primary school. Development Management considers that future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services. It is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable Housing

The outline submission indicates a mixture of dwellings; however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. The current submission indicates provision of two affordable dwellings. Therefore, on this basis, it is considered that the proposed level of affordable housing (single unit) is acceptable and a condition should be attached to require the submission of a scheme for the provision of affordable housing.

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.

The site is relatively flat in nature and the proposed plan demonstrates a street frontage development with cul-de-sac to the rear. Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 9 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

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. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is bounded by agricultural fields to the north-east and south-west, while on its east elevation the site is adjacent to an existing dwelling. Dwellings are also located on the opposite side of the A495 which bounds the site to the north east.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. It is considered that the submitted plan demonstrates that these measurements could be adhered to when considering the detailed design which would take account of the overshadowing guidelines and as such will be considered at reserved matters stage.

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

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The scheme will utilise the existing entrance road into the site that already provides access to the an agricultural building.

Powys Highways were consulted on the application and offered no objection to the proposed development subject to conditions being attached to any grant of consent..

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

Archaeology

Policy ENV18 of the Powys UDP states that proposals for development that may affect a site potentially containing important archaeological remains will be requested to undertake additional work prior to determining the application.

Following submission of the application Clwyd Powys Archaeological Trust (CPAT) commented stating that 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. As such further information would be required to support the application to ensure that no important archaeological remains remained within the site. Further information was submitted in support of the application and CPAT are content provided a condition is added to any consent.

The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy ENV18.

Foul drainage

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

Impact upon nature conservation

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 the proposal would affect nature conservation interests. Landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3. Furthermore the County Ecologist did not raise any concerns with the scheme and have suggested a number of safeguarding conditions to be attached to the decision notice if application is approved.

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 reserve this trend.

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

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

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llansantffraid ym Mechain which falls under the Llansantffraid Community has not been identified as one of the settlements under policy GP5.

Community: Llansantffraid

Able to speak Welsh

	2011	2001	2011	2001
Age	%	%	Number	Number
3+:	19.8	21.4	271	253
3-15:	40	42.4	78	78
16-64:	14.5	15.4	120	110
65+:	21	22.9	73	65

However the amended scheme proposes 2 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 dwelling

helps mitigate against the impact of a development on the Welsh language, the affordable house provision and the contribution the 7 open market dwellings make to the lack of a five year housing supply are given considerable weight.

It is considered that the introduction of nine dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

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

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

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

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

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

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

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

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 is drawn and the access point onto the C2106 highway (drawing no: RPP/RC/JOB37-03.2).
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. Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

8. 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 15 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.
9. Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
11. The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
12. 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.
13. 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.
14. 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.
15. No storm water drainage from the site shall be allowed to discharge onto the county highway.
16. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
17. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A digital copy of the resulting report should be submitted to the Local Planning Authority and the Development Archaeologist, Clwyd Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a digital copy of the report and resulting archive should be sent to the Historic Environment Record Officer, Clwyd Powys Archaeological Trust for inclusion in the regional Historic Environment

Record. A digital copy should also be sent to the RCAHMMW NMR, National Library of Wales, Aberystwyth.

18. 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.
19. 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.

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 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. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
8. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
9. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
10. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
11. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
12. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
13. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
14. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
15. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
16. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
17. To secure preservation by record of all archaeological remains which will be impacted by the development in accordance with Policy ENV18 of the Powys UDP..
18. 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.
19. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act

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:

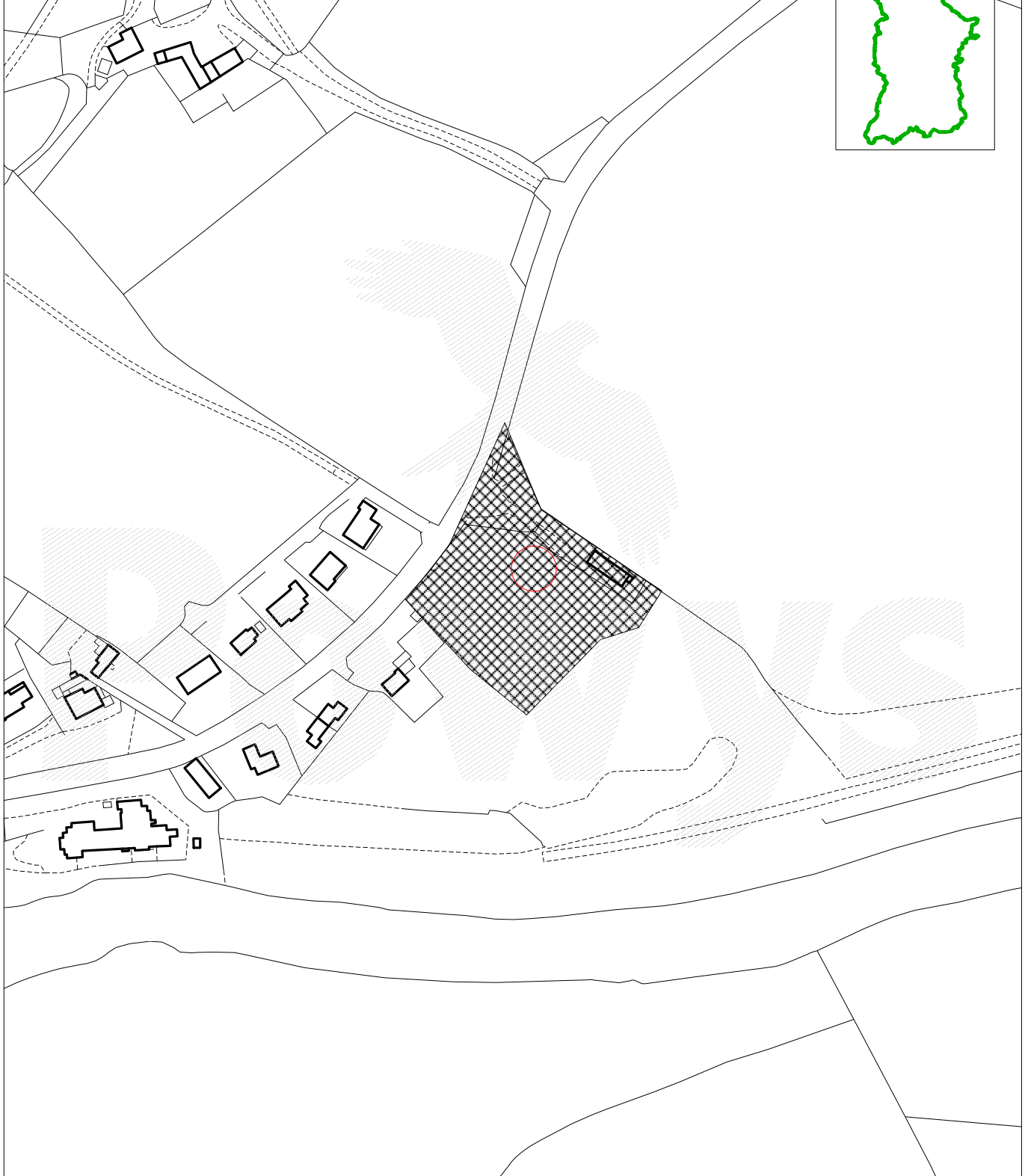
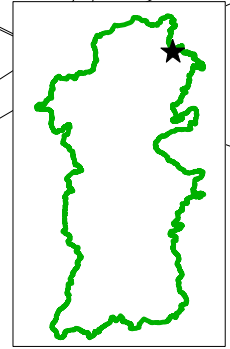
- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

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

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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

Application No: P/2017/0325 **Grid Ref:** 310725.17 263960.63

Community Council: Penybont **Valid Date:** 31/03/2017 **Officer:** Tamsin Law

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

The reason for Committee determination

The application is subject to an Environmental Statement.

Site Location and Description

The application seeks full planning permission for the construction of two poultry units and associated works to house 38,000 broilers.

The application site is located to the within an area of open countryside, approximately 520 metres from the development boundary of Penybont. The proposed units would be located to the west of the existing buildings on the farm and is bound by agricultural land to the north, south and west. The application site is agricultural land which has been intensively farmed.

The site is located adjacent to a number of ancient woodlands and to the east the site lies in close proximity to the Cae Cwm-Rhochas SSSI. To the west of the site also lies the Sideland Nature Reserve. Footpath 109/117/1 does not run through the site; however is located approximately 300 metres to the south east of the proposed building.

The first proposed buildings would measure 101 metres in length, 28 metres in width, with a maximum height of 6.5 metres (7.6 metres to the top of the ventilation fans) falling to 2.75 metres at the eaves. The feed silos will be located at the eastern end of the unit and would have a maximum height of 6.6 metres.

The second proposed buildings would measure 89 metres in length, 28 metres in width, with a maximum height of 6.5 metres (7.6 metres to the top of the ventilation fans) falling to 2.75 metres at the eaves. The feed silos will be located at the eastern end of the unit and would have a maximum height of 6.6 metres.

A welfare area in the form of a linked building between both poultry units is also proposed and this will measure 14 metres in width, 15.6 metres in depth, with a maximum height of 4.2 metres falling to 3 metres at the eaves. The buildings will be finished in dark grey metal profile sheeting.

The access to the broiler units would be through the existing access to the farm.

Consultee Response

Penybont Community Council

I have been checking my file and your web site in relation to this application. I may have not forwarded to you our response to the pre application sent to us by the applicants. The council have had an initial meeting on this matter and I have attached our response. Will this be acceptable in that format for inclusion as a first response as an objection.

Thank you for your letter and attachments of the 17th January 2017. Penybont and District Community Council (Planning Committee) met on the 30th to discuss the outline of your proposal. Without prejudice to further information and comments from our community they would object to such a large construction and business being operated in the village limits. Councillors raised the initial concerns as following:

Location

- The proposed buildings are 150 meters to the nearest private residence and 750 meters to the main cluster of houses in the village.
- No direct access to the A44

Access

- The current and proposed access to the farm from the A44 is along a single-track public road, that also serves private residents.
- Visibility is greatly reduced by trees and hedgerows along its length and presents a clear danger to other road users if used by HGV's
- Heavy goods vehicles will be exiting onto the A44 regularly where the speed limit is greater than 30mph.

Environmental

- No indication has been given on the number and size of HGV's being used daily.
- Odours generated from the business (notwithstanding the computer-generated model)
- Storage and disposal and drainage of manure.
- Prevention methods to reduce insect infestation
- Noise reduction methods of fans and other machinery
- Operating hours of business
- Interference with any bridle/footpath rights.
- Proximity to a SSSI site as outlined in the planning advise letter.
- Given the short distances involved the Council feel the development will be visible to highways, public rights of way and residential properties.
- An interference to the private lives of residents.

The above items are but a sample of the councillors concerns raised as each topic in itself generated other concerns. The Council hopes that in the fullness of time that all appropriate reports forming your application will be made available to them (one copy being a hard copy) and you may consider a presentation to the Council and community would be appropriate.

PCC - Highways

The County Council as Highway Authority for the County Class III Highway, C1222

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority has no objection to this proposal. The proposed site is served from a relatively short stretch of the C1222 county highway before connecting to the A44 county highway which in turn links the site to the wider highway network. The provision of a large passing bay along the C1222, capable of accommodating a large HGV, offers adequate mitigation against the modest increase in traffic. The site access will also be widened to provide simultaneous access and egress for all vehicles likely to attend. As such the Highway Authority recommends that the following conditions be attached to any consent granted.

HC37 Prior to any works being commenced on the development site the applicant shall construct the passing bay along the C1222 county highway as detailed on the approved drawing 0511/001. The passing bay shall be constructed to an adoptable standard prior to any works being commenced on the development site.

HC11 No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC4 Before any other development is commenced the access shall be constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 46 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 Before any other development is commenced the area of the access to be used by vehicles is to be widened in accordance with detail submitted on approved drawing 0511/002 and 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 20 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 7.6 metres for a minimum distance of 20 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 first use of the buildings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.

HC1 Any entrance gates shall be set back at least 20 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.

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

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

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

Please quote our reference number in all communications and correspondence.

PCC - Environmental Health

1st Response:

The proposal includes the installation of a septic tank and drainage field however there is no mention of any percolation tests/results.

If the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised, then prior to any planning permission being granted, the applicant/agent should submit percolation test results (including calculations) which demonstrate that the tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway to accommodate foul effluent from the new development.

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out so a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

2nd Response

It is clear from the supplied noise report that attenuation is required for the fans to operate without causing noise issue to the nearest noise sensitive dwellings.

Should permission be granted I would recommend the following conditions be attached.

Recommendations

Conditions

(a) Noise Conditions

Construction

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

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

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

Reason: To protect the local amenities of the local residents by reason of noise

For the use of fixed plant/machinery, etc.

The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as $L_{A90 [1\text{hour}]}$ (day time 07:00-23:00 hours) and/or (b) $L_{A90 [5\text{ mins}]}$ during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason: To protect the local amenities of the local residents by reason 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.

(b) Prevention insect and of odour nuisances during storage of manure and manure spreading.

(i) General Odour condition

All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

Reason: To protect the local amenities of the local residents from the excess of mal-odorous emissions.

Manure transportation

All vehicles used for the movement of manure if taken off site shall be sheeted and/or fully covered.

Reason: To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects.

(c) Artificial lighting condition.

Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at the light sensitive locations when the light is in operation.

Reason: To protect the local amenities of the local residents from the excess of illuminance.

(d) Drainage

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system

Reason: To protect the local amenities of the local residents from insufficient drainage

PCC - Ecologist

Thank you for consulting me with regards to planning application P/2017/0325 which concerns an application for the 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 at Cwmroches, Penybont, Llandrindod Wells, Powys.

The information submitted to inform the planning application has been assessed against the NRW Quick Guide 9 Poultry Units: planning permission and environmental assessment Guidance for applicants, local planning authorities and NRW staff. This guidance note sets out the information required to be submitted to enable the LPA to assess the potential impacts of poultry unit developments in relation to the Environment.

The following European Sites are present within 5km of the proposed development:

- River Wye Special Area of Conservation (SAC) approximately 628m from proposed development

The following Nationally Designated Sites are present within 5km of the proposed development:

- Cae Cwm-Rhocas Site of Special Scientific Interest (SSSI) approximately 244m from proposed development
- River Ithon SSSI approximately 628m from proposed development
- Cae Llwyn SSSI approximately 954m from proposed development
- Ithon Valley Woodland SSSI approximately 1569m from proposed development
- Coed Aberdulas SSSI approximately 4228m from proposed development
- Twenty-five Acre Wood SSSI approximately 4547m from proposed development
- Bach-Y-Graig Stream Section SSSI approximately 4549m from proposed development
- Llanfawr Quarries, Llandrindod Wells SSSI approximately 4637m from proposed development
- Gweunydd Coch-y-Dwst SSSI approximately 4945m from proposed development
- Howey Brook Stream Section SSSI approximately 4965m from proposed development

The following non-statutory designated sites are present within 2km of the proposed development:

- Sideland Radnorshire Wildlife Trust Reserve approximately 297m from proposed development
- 57 parcels of Ancient Woodland – closest parcel approximately 113m from proposed development

As of the 1st April 2017 NRW introduced revised thresholds of insignificance in relation to Ammonia and Nitrogen, however as identified in NRW's response dated 11/08/2017 they have identified that as they are in transition the new thresholds will not be applied to this application and the ammonia and nitrogen thresholds applied by NRW to proposals before the end of March 2017 have been used to assess the scheme.

A Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated December 2016 has been produced and submitted with application. NRW have reviewed the detailed Ammonia and Nitrogen deposition data provided with regards to statutory designated sites – SAC and SSSI. They have identified that the predicted deposition from the proposed development

Whilst NRW have stated that they consider the predicted deposition levels to be acceptable with regards to the thresholds under which they have considered the application, they have

identified that with regards to Cae Cwm-Rhocas SSSI information gathered by NRW has identified that the SSSI grassland composition has changed in ways that is consistent with an increase in nitrogen deposition and that if they were applying the new thresholds they would be raising objections about the predicted nitrogen deposition increase. In addition they have suggested that the LPA should consider whether there are further ways in addition to the tree planting already proposed (NW1 – NW5 identified in Fig 2 of the Landscape and Visual Assessment Report) to mitigate impacts to the SSSI – they have suggested that a tree buffer in close proximity to the new sheds would take out at least 25% of the ammonia and so reduce nitrogen deposition. Powys UDP Policy ENV5 states 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.

Developments will only be permitted where the benefits clearly outweigh the nature conservation value of the site and conditions will be attached to any permission or a planning obligation sought to ensure:

- 1. Satisfactory provision for the safeguarding of features of nature conservation importance within the proposed development; or*
- 2. The provision of appropriate compensatory or mitigation measures to offset the impact of the proposals.*

It is therefore recommended that a planning condition is included to secure a scheme of additional tree planting to minimise impacts to Cae Cwm-Rhocas SSSI from nitrogen deposition – it is recommended that NRW are consulted to ensure that any proposals submitted to address this planning condition are considered to be appropriate.

The Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated December 2016 has considered the potential impacts of the proposed development to Ancient Woodland sites within 2km of the proposed development. Detailed modelling was undertaken for Ancient Woodland sites where the preliminary modelling undertaken indicated that annual mean ammonia concentrations could exceed the lower threshold percentage of the relevant Critical Level/Load. The detailed modelling has identified a predicted exceedance of 100% of the precautionary Critical Level of 1.0 µg-NH₃/m³ over approximately 0.1ha of the northernmost tip of the area of Ancient Woodland to the south-east of the proposed development.

In order to address this impact and to provide compensation for the potential impacts, 5 areas of native woodland planting (NW1 – NW5 shown on Fig 2 of the Landscape and Visual Impact Assessment Report) approximately 0.6ha in size have been proposed.

Having reviewed the submitted plans and associated information it is considered that the proposed compensation measures are appropriate to comply with the requirements of Powys UDP Policy ENV6.

In order to ensure the effectiveness of the proposed mitigation it is recommended that a detailed Native Woodland Creation and Management Plan is secured through an appropriately worded condition.

A Phase 1 Environmental Appraisal was undertaken by Greenscape Environmental Ltd. in January 2017, a report detailing the findings of the surveys has been submitted to inform the application, a revised version of this report to include Reasonable Avoidance Measures for great crested newts dated September 2017 has been submitted.

The appraisal of the site included a desktop survey of the area and a phase 1 environmental appraisal.

The survey identified that the area proposed to be developed is semi improved grassland currently used for grazing purposes – this habitat was assessed as being of low ecological value.

The proposed development will include the removal of a section of defunct hedgerow and a young mature oak tree. 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'

It is noted that the proposed landscaping scheme identified in Fig 2 of the Landscape and Visual Assessment Report produced by Haire Landscape Consultants dated March 2017 includes the provision of blocks of woodland planting that will provide opportunities for landscape connectivity and corridors for migrating and foraging wildlife in the local area. It is considered that the proposed native woodland planting provides appropriate compensation for the loss of the section of defunct hedgerows.

Consideration was given to the potential for the site of the proposed development to support protected species, assessment of the habitats and features present concluded that the proposed development would be unlikely to impact any protected species including dormice, bats, otter, water vole and great crested newts due to absence of suitable habitat. No further detailed surveys were identified as necessary to assess impacts of the proposed development.

It should be noted that whilst the Ecology Report states that no records of great crested newt were identified within 2km of the proposed development having reviewed available protected species data for the local area a single record of a juvenile great crested newt was found to be present approximately 1.25km north of the proposed development, therefore it should be considered that there is potential for great crested newt to be present in the area. In addition NRW raised concerns in their response dated 11/08/2017 that the use of HSI assessment of the ponds present within 500m of the proposed development was insufficient to conclusively determine the absence if great crested newts in the local area.

In order to address concerns raised by NRW regarding potential impacts to great crested newts from the proposed development, an amendment has been made to the Ecology Report to include a Scheme of Reasonable Avoidance Measures to minimise potential impacts to this species during the construction phase of the proposed development.

Having reviewed the findings of the ecology report and the identified mitigation and enhancement measures it is considered that measures proposed are appropriate to minimise impacts to biodiversity to an acceptable level, proposals for biodiversity enhancement are welcomed in line with the requirements of Section 6 of the Environment (Wales) Act 2016. It is recommended that a planning condition is included to secure adherence and implementation of the identified measures.

The Environmental Statement identifies that lighting on the site will be kept to a minimum. Each shed will have a low wattage, low intensity light above the openings to allow safe working during normal hours. Additional lighting may be required during the removal of the birds – no high intensity light will be used. Section he ecology report makes reference to the provision of a lighting scheme being drawn up and identifies restrictions that will be required to any lighting. Other than this information no detailed plan of any external lighting has been provided as such it is recommended that a planning condition is included to ensure any external lighting provided at the site is in accordance with the recommendations identified in the Ecology Report to ensure minimal impacts to nocturnal biodiversity.

Details of the proposed surface and foul water drainage measures have been identified in the Flood consequence Assessment Report produced by Hydrogeo dated 03/03/2017.

Details regarding Surface Water Management have been provided within section 5 of the Report, it has been identified that in order to provide adequate surface water storage provision to mitigate the impermeable surfaces introduced as a result of the proposed development a storage volume of 598m² will be required before discharge off the site to the drainage ditch, this will be provided through the construction of an attenuation lagoon/pond located to the south east of the site. The attenuation lagoon/pond will also serve to filter potentially suspended solids in the surface water run-off from any hardstanding areas.

Details regarding Foul Water Drainage have been provided within section 6 of the Report, it has been identified that foul water from the proposed development will discharge to an appropriately sized septic tank, foul water will then be treated, following treatment the discharge from the unit is 'clean' water and will be discharged into a drainage field soakaway. 'Washdown' water used for cleaning the poultry houses will be collected into underground storage tanks, this system will be a 'sealed system' with the dirty water being pumped out and taken off site for spreading in appropriate conditions.

It is considered that the identified measures for the management of foul, dirty and surface water are appropriate to avoid negative impacts to biodiversity. It is recommended that a planning condition is included to secure adherence and implementation of the identified measures regarding site drainage.

The Environmental Statement for the application identifies that all manure produced by the proposed broiler unit will be removed from the holding and spread elsewhere – on land at least 1.5miles from the site for biosecurity reasons. It has been identified that records will be kept of the quantity and destination of the manure exported in an export log and 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 NRW and the EA including in accordance with the receivers own manure management plan.

A Pollution Prevention Plan produced by Berrys has been submitted to inform the application. The PPP identifies the measure that will be implemented during construction and operation of the proposed development with regards to Environment Management Systems and Pollution Prevention Measures. The measures identified within the document are considered to be in line with current guidelines regarding pollution prevention and it is recommended that the adherence to and implementation of the identified measures is secured through an appropriately worded condition.

In addition to the approved Pollution Prevention Plan NRW have requested that a Pollution Prevention Plan with regards to the installation of the culvert to form the access road is secured through an appropriately worded condition.

The applicant should be mindful that the installation of the culvert to form the access road may require Ordinary Watercourse Consent, this consent process is separate from the Planning Process and advice as to whether OWC is required should be sought from the Lead Local Flooding Authority further details can be found at <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>

I have undertaken a Habitats Regulations Assessment Screening of the proposed development in relation to the River Wye SAC. The screening assessment concluded No Likely Significant Effect to the River Wye and or its associated features, I have attached a copy of the screening assessment for your records.

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

Prior to commencement of development, a Tree Planting Scheme to reduce nitrogen deposition from the proposed development to the Cae Cwm-Rhocas SSSI shall be submitted to the Local Planning Authority for approval. The tree planting identified will be in addition to those areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017. The approved scheme 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 SP3, ENV3, 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 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a detailed Native Woodland Creation and Management Plan including details of species to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 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, 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 Section 6 of the Environment (Wales) Act 2016.

The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal & Method Statement for Newts Report by Greenscape Environmental Ltd dated September 2017 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 Part 1 Section 6 of the Environment (Wales) Act.

The Landscaping Scheme specifications and aftercare measures identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 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 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.

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.

The development shall be carried out strictly in accordance with the measures identified regarding Site Drainage Management including Foul, Dirty and Surface Water Management within the Flood consequence Assessment Report produced by Hydrogeo dated 03/03/2017 and shown on Drawing 6 of the Report 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 regarding Pollution Prevention within the Pollution Prevention Plan: In Relation to Proposed Poultry Development at Cwmrhoces Farm produced by Berrys 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 commencement of development a Pollution Prevention Plan for the installation of the new culvert required to form the access road shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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.

NRW

We apologise for the delay in responding to your consultation. NRW responded to the Major Pre-app consultation on the 23 February 2017. The requirements that we requested during the major pre-app consultation have been met. A copy of that letter is attached to this response. We have summarised these requirements and conditions in table 1 below. Please note that this letter should be read in conjunction with NRW's 23 February 2017 letter.

In light of the information received we have significant concerns regarding this proposal. However these concerns can be overcome by attaching the following conditions to any planning permission granted.

Condition 1: Access road culvert - The culvert must be installed so that its downstream end is not higher than the stream bed level and the pollution prevention plan must include the measures needed to avoid pollution during installation of the culvert.

Condition 2: The implementation of a drainage system as outlined in the drainage plan included in the Flood Consequence Assessment Report.

Condition 3: The implementation of the pollution prevention plan as outlined in the supporting planning documents

Condition 4: The implementation of reasonable avoidance measures in regard great crested newts.

Requirements and Conditions in CAS-28468-G6C6 23 Feb 2017	Applicants Response	Current
Requirement 1 – Air quality & protected sites - Identify the SSSI	Email received from AS Modelling & Data Ltd on 22 nd May 2017 with	Requirement met
names in Table 5 of the air quality report.	spreadsheets attached giving names of protected sites.	
Requirement 2 – A drainage plan should be provided which shows clean and foul drains, effluent containment, soak away, French drains and any sustainable drainage proposed including swales, reed beds or pond.	Drainage plan has been included in the Hydrogeo Flood Consequence Assessment (03/03/2017).	Requirement met Condition 2: The implementation of a drainage system as outlined in the drainage plan included in the Flood Consequence Assessment Report.
Requirement 3 - Submission of a Pollution Prevention Plan and a condition requiring its implementation	A pollution prevention plan has been submitted.	Requirement met. Condition 3: The implementation of the pollution prevention plan as outlined in the supporting planning documents
Requirement 4 - We require the pending ecological assessment by Greenscape Environmental to include consideration of protected species.	<i>A Phase 1 Environmental Appraisal: Cwmroches Farm, Penybont, Llandrindod Wells, Powys. Greenscape (Jones, B. 2017) has been submitted.</i>	Requirement is met in that it has considered protected species. However NRW are unable to agree that the use of the Habitat Suitability Index and some preliminary hand searches would be sufficient to judge absence/presence of Great Crested Newts. In the absence of survey data (eDNA and traditional surveys) we advise a precautionary approach through the implementation of reasonable avoidance measures. Condition 4: The implementation of reasonable avoidance measures in regard great crested newts.
Condition 1: The culvert must be installed so that its downstream end is not higher than the stream bed level and the pollution prevention plan must include the measures needed to avoid pollution during installation of the culvert.		Condition 1: The culvert must be installed so that its downstream end is not higher than the stream bed level and the pollution prevention plan must include the measures needed to avoid pollution during installation of the culvert.

Air Quality – Protected Sites

NRW have continued to assess this scheme under the ammonia and nitrogen thresholds applied to proposals made to NRW before the end of March 2017.

Cae Cwm-Rhocas SSSI

The background ammonia is $1.15\mu\text{g}/\text{m}^3$ and background nitrogen deposition is $16.8\text{kgN}/\text{ha}/\text{yr}$.

The ammonia critical level is $3\mu\text{g}/\text{m}^3$ and the nitrogen critical load is $10\text{kgN}/\text{ha}/\text{yr}$ for the site.

The farm process contribution to ammonia is $0.325\mu\text{g}/\text{m}^3$ (10.8% of critical level) and to nitrogen is $1.687\text{kgN}/\text{ha}/\text{yr}$ (16.9% of the critical load).

The predicted new level for ammonia is $1.475\mu\text{g}/\text{m}^3$, which is below the critical level of $3\mu\text{g}/\text{m}^3$ and, therefore, not likely to cause significant damage to the SSSI.

Nitrogen deposition is already 68% over the nitrogen critical load of $10\text{kgN}/\text{ha}/\text{yr}$. The additional $1.678\text{kgN}/\text{ha}/\text{yr}$ would increase the exceedance to 84.9% of the critical load. We have information that the SSSI grassland composition has changed in ways that are consistent with an increase in nitrogen deposition and, if we were applying the new thresholds we would be raising objections about this increase in nitrogen deposition, even though it is a relatively small increase.

However, as we are in transition and not applying the new thresholds to this case, we recommend that your authority investigates with the applicant if there are further ways in addition to the tree planting already offered to reduce nitrogen deposition to Cwmroches SSSI. The ES has identified that tree planting will be used to mitigate impact in relation to air quality and landscape. Figure 2 of the Landscape and Visual impact assessments identifies 5 new woodland blocks that will be planted NW1- NW5. A tree buffer close to the new sheds would take out at least 25% of the ammonia and so reduce the nitrogen deposition.

River Wye SAC

Although the aquatic features are not vulnerable to ammonia or nitrogen deposition, the SAC includes Colwyn Brook Marshes that is about 8km from the proposal (location 110 in Table 5 of the modelling report), with an ammonia critical level of $1\mu\text{g}/\text{m}^3$.

The ammonia critical level is $1\mu\text{g}/\text{m}^3$ and the nitrogen critical load is $10\text{kgN}/\text{ha}/\text{yr}$ for the site.

The farm process contribution to ammonia is $0.063\mu\text{g}/\text{m}^3$ (6.3 % of critical level) and to nitrogen is $0.488\text{kgN}/\text{ha}/\text{yr}$ (4.9 % of the critical load).

Cae Llwyn SSSI

The ammonia critical level is $3\mu\text{g}/\text{m}^3$ and the nitrogen critical load is $20\text{kgN}/\text{ha}/\text{yr}$ for the site. The farm process contribution to ammonia is $0.065\mu\text{g}/\text{m}^3$ (2.17 % of critical level). No nitrogen deposition value was presented.

Ithon Valley Woodlands SSSI

The ammonia critical level is 1 µg/m³ and the nitrogen critical load is 10kgN/ha/yr for the site. The farm process contribution to ammonia is 0.026 µg/m³ (2.6 % of critical level) No nitrogen deposition value was presented.

Twenty five acre wood SSSI

The ammonia critical level is 3 µg/m³ and the nitrogen critical load is 20kgN/ha/yr for the site. The farm process contribution to ammonia is 0.006 µg/m³ (0.2% of critical level) No nitrogen deposition value was presented.

Gweunydd Coch y Dwyst SSSI

The ammonia critical level is 3 µg/m³ and the nitrogen critical load is 20kgN/ha/yr for the site. The farm process contribution to ammonia is 0.006µg/m³ (0.2% of critical level) No nitrogen deposition value was presented.

European Protected Species

We have considered the ecological submission Phase 1 Environmental Appraisal: Cwmroches Farm, Penybont, Llandrindod Wells, Powys. Greenscape Environmental.

Great Crested Newts

Condition 4:

The implementation of reasonable avoidance measures in regard great crested newts.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended).

The use of a Habitat Suitability Index on its own would be insufficient to ascertain that great crested newts are absent from this site. In the absence of survey data (eDNA and traditional surveys) we advise that Reasonable Avoidance Measure should be conditioned to demonstrate that the proposed development would either not harm or disturb the GCN or their breeding sites and resting places should they be present on this site. Such measures would include appropriate timing of works and provision of suitable habitat compensation (if required). In terms of timing of the works preparation of the land for development should be undertaken during the spring/summer season (April to mid-June) when GCN enter into / around aquatic habitat to breed, and outside the hibernation period (avoiding November to February, inclusive).

Bats

Limited information is provided although the external lighting scheme is described in the Environmental Appraisal paragraph 6.2.2 as below 1 lux, orientated towards the ground and set on a short timer. It is stated that there will be no direct illumination of the hedgerows or the newly planted corridor. We consider that the submitted assessment is satisfactory and

that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of bat.

□ Dormouse

Limited information is provided although the submitted assessment is satisfactory and that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of dormouse.

Manure Management Plan

The applicant has stated that all manure will be removed from their holding and spread elsewhere. The applicant has also committed to keep details of the quantity and destination of the manure exported in an export log.

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. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

Please do not hesitate to contact me if you require further information or clarification on any of the above.

Welsh Government Planning Division

No response received by Development Management at the time of writing this report.

Cllr John Powell

No response received by Development Management at the time of writing this report.

Representations

The application was advertised through the erection of a site notice and press advertisement. Two representations have been received, one objection and one support, and are summarised below.

Objection:

- Concerns raised of the pre-application consultation on the application
- Sideland Nature Reserve is in close proximity to the site and the development may have significant impact upon this nature reserve

Support

- Promotes local employment opportunities and provides security for farming industry

Planning History

P/2012/0516 – Outline: Erection of an agricultural workers dwelling. Pending S106
SO/2016/0001 – Acreening Opinion: Proposed poultry units. EIA Required

Principal Planning Constraints

TPO
Class 3 Road

Principal Planning Policies

National Planning Policy

- Planning Policy Wales (9th Edition, 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
- Welsh Office Circular 61/96 – Planning and the Historic Environment

- Natural Environment and Rural Communities Act (2006)

Local Planning Policy

- 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

EC1 – Business, Industrial and Commercial Developments

EC7 – Farm/Forestry Diversification for Employment purposes in the Open
Countryside

EC9 – Agricultural Development
EC10 – Intensive Livestock Units
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
DC14 – Development and Flood Risk

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

Introduction

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 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 details development proposals and associated thresholds defining where a development proposal constitutes EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists those developments where EIA is mandatory and Schedule 2 where the 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”. Whilst an Environmental Impact Assessment is not a mandatory requirement for the proposed development, the floor area of the proposed building exceeds the applicable threshold of 500 square metres and therefore for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued by the Local Planning Authority.

Members are advised that the proposed poultry development was assessed against the selection criteria contained within Schedule 3 of the Regulations, with the opinion being that the development was EIA development by virtue of location of the proposed development (its close proximity to the River Wye SAC) and the characteristics of potential impacts on the environment.

On the basis of the above, the planning application is accompanied by an Environmental Statement.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, states:

“The relevant planning authority or the Welsh Minister or an inspector must not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have taken the environmental information into consideration, and they must state in their decision that they have done so”.

Principal 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

Cwmroches is a family owned farming business and is seeking consent to diversify in order to secure the long-term viability of the farming enterprise.

Planning policy acknowledges that rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasises 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 therefore encouraging Local Authorities to facilitate appropriate rural development.

Notwithstanding the policy presumption in favour of appropriate rural development, support needs to be balanced against other material considerations including landscape and visual impact, highway safety implications, ecology together with the potential impact on local amenity. Consideration of such matters is duly given below.

Landscape and Visual Impact

Guidance within 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 comprises of agricultural land located to the west of the existing farm complex. Details provided with the application state that the site was chosen as other locations had more impact on landscape and visual receptors than the chosen site.

A Landscape and Visual Impact Assessment was submitted in support of the application and detailed that the proposed development site comprises established pasture land of medium landscape value. The proposed development will be visible from a very limited number of locations to the east of the site and the materials used in the construction will reduce the visual prominence of the proposed buildings. The Assessment states that the siting and orientation of the building means that it is well screened from most locations by existing landform and vegetation. Additional landscaping mitigation proposed will provide effective screening from the limited number of locations identified as being potential receptors for visual impact. The proposed landscaping scheme will also reduce significantly the visual

impact of the existing buildings at the site. The mitigation proposals will be effective in ensuring that the effect on the site and the wider landscape will be mitigated.

The proposal involves the construction of two poultry sheds, feed bins and hardstanding and associated landscaping and would be located adjacent to the existing poultry enterprise. The development would result in the loss of part of a field, and the encroachment of built development into the open countryside.

The proposed poultry buildings are of a large scale, they are grouped within the context of the existing building complex and as such, potential landscape and visual impact is considered to be minimised. Furthermore, given the height of the proposed buildings and topography of the land, their profile is reduced and thus further reduces potential landscape impact. Proposed landscaping together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of part of the existing field, but, taking account of the mitigation measures, the location adjacent to existing buildings and the condition and sensitivity of the landscape it is considered that the development would not have an unacceptable adverse effect on the site and the landscape character of the area.

There is the opportunity to view the development from other properties whose occupiers would be more sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be visible. However the distance maintained between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship of the units to the existing farm complex, it is considered that there would not be an unacceptable impact on residential receptors.

A public right of way is located near to the site, being located to the south. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However the existing vegetation and landscape mitigation proposed will all serve to mitigate the view from the public rights of way network. From the public rights of way it is considered that the effect on visual amenity would not be unacceptable.

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. Whilst Officers acknowledge that the proposed poultry development represents a substantial addition to the rural landscape, given the proposed grouping, it is considered that the proposed unit would be viewed as integral to the existing farm complex within the wider landscape. Furthermore, given the limited visibility of the application site together with existing and proposed landscaping, it is considered by Officers that the proposal is capable of being accommodated without causing unacceptable harm to existing character and appearance.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed siting together with existing and proposed landscaping, it is considered that the proposed development is broadly in accordance with planning policy. Should Members be minded to grant planning permission it is recommended that any consent is subject to appropriate conditions restricting materials and securing the

implementation and retention of existing and proposed landscaping. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed poultry development can be appropriately managed thereby safeguard the Powys landscape in accordance with policies SP3, ENV2, EC1, EC9 and EC10 of the Powys Unitary Development Plan.

Transport Impacts

Policy GP4 of the Powys Unitary Development Plan indicates that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking.

Access to the application site will be provided via the existing junction off the C1222 which then connects with the A44. The proposed development will provide a large passing bay capable of accommodating a large HGV and the access to the site will also be widened to allow for simultaneous access and egress from the site.

Following consultation with the Highway Authority, a response has been received which confirms that Highway Officers are satisfied that adequate highway provision can be secured subject to the imposition of suitable conditions.

In light of the above and notwithstanding the third party concerns expressed, Officers consider the proposed development to be in accordance with planning policy, particularly policies GP4 of the Powys UDP, Technical Advice Note 18 and Planning Policy Wales.

Biodiversity and Ecology

SSSI's and Montgomery Canal SAC

Policies ENV4, ENV5 and ENV6 indicates that development proposals should preserve and enhance biodiversity and features of ecological interest. 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 within approximately 5km of the following Nationally Designated sites;

- River Wye Special Area of Conservation (SAC)
- Cae Cwm-Rhocas (Cwm Roches Meadows) SSSI
- Cae Llwyn SSSI
- Ithon Valley Woodlands SSSI
- River Ithon SSSI
- Llanfawr quarries SSSI
- Twenty-Five Acre Wood SSSI
- Coed Aberdulas SSSI
- Gweunydd Coch-Y-Dwst SSSI
- Bach-Y-Graig Stream Sections SSSI

The following non-statutory designated sites are located within 2km of the proposed poultry unit;

- Sideland Radnorshire Wildlife Trust Reserve
- 57 parcels of Ancient Woodland

In support of the application a Modelling of the Dispersion and Deposition of Ammonia was submitted. The report concluded that the process contributions to the annual mean ammonia concentration and nitrogen deposition rate are predicted to be below the Environment Agency's threshold. Accordingly the report concludes that no impacts upon the features of this site are expected as a result of ammonia levels or nitrogen, either alone or in combination with other similar installations. Consultation with NRW confirmed that the process contributions of ammonia and nitrogen deposition from the proposed development appear to be below the threshold that NRW apply in their assessment of potential impacts on SACs or SSSIs.

Whilst NRW have stated that they consider the predicted deposition levels to be acceptable with regards to the thresholds under which they have considered the application, they have identified that with regards to Cae Cwm-Rhocas SSSI information gathered by NRW has identified that the SSSI grassland composition has changed in ways that is consistent with an increase in nitrogen deposition and that if they were applying the new thresholds they would be raising objections about the predicted nitrogen deposition increase. In addition they have suggested that the LPA should consider whether there are further ways in addition to the tree planting already proposed to mitigate impacts to the SSSI. NRW suggested that a tree buffer in close proximity to the proposed development would take out at least 25% of the ammonia and so reduce nitrogen deposition. As such a recommendation from the Powys Ecologist has been made that a condition be attached to any consent requiring the submission of a scheme for additional tree planting.

A Habitats Regulation Assessment has also been undertaken by the Powys Ecologist due to the proximity of the River Wye SAC. The HRA Screening concluded that the proposed development would not have a likely significant effect on the SAC.

The Powys Ecologist does not object to the proposed development subject to this condition and other conditions relating to woodland management, landscaping and the development being undertaken in accordance with the reports submitted being attached to any consent.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies ENV4, ENV 5 and ENV 6 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Protected Species

Policy ENV7 of the Powys UDP, TAN5 and PPW seek to safeguard protected species and their habitats.

A Phase 1 Environmental Appraisal & Method Statement for Newts dated September 2017 was submitted in support of the application which included Reasonable Avoidance Measures to minimise potential impacts on species during the construction phase of the development. Following consultation with both NRW and the Powys Ecologist no objection to the proposed development has been received and the Powys Ecologist considers that the identified mitigation and enhancement measures are appropriate to minimise impacts to biodiversity.

Notwithstanding the above, as confirmed by the County Ecologist, it is considered that the proposed development would not negatively affect the conservation status of protected species subject to the recommended mitigation measures being secured by condition.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies SP3, ENV3 and ENV7 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour, concerns relating to which have been expressed within third party representations received.

Members are advised that the application is supported by an Environmental Statement which contains chapters assessing the significant likely impacts on amenity and the living conditions of neighbouring properties. Consideration of the aforementioned impacts is duly given below;

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. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

The application is accompanied by a Noise Impact Assessment. Members are advised that the closest residential properties not associated with the site are Llwyn-Hir Cottage (approximately 244 metres from the proposed building), Bryncoed (approximately 269 metres from the proposed building) and Glyn Celyn and Pendre approximately 325 metres from the proposed building).

Following consultation with Environmental Health it was confirmed that they were content with the conclusions of the submitted noise impact assessment subject to a condition being attached to any consent limiting the hours of construction, limiting the hours of service and delivery vehicles and limiting the noise levels of any plant or machinery at the site.

On the basis of the comments received, Officers consider that sufficient information has 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.

Odour

In terms of odour, odour levels can be assessed using odour dispersal model based on standardised values. Odour concentrations are expressed as European odour units per cubic metre (ouE/m³). The Environment Agency (EA) has published guidance for the objective assessment of odour impacts: How to Comply with Your Permit- H4 Odour Management. It recommends the use of 98th percentile of hourly average odour concentrations modelled over a year. Appendix 3 of this document provides a benchmark of 3.0 ouE/m³ for moderately offensive odours. Moderately offensive odours are identified as including those associated with intensive livestock rearing. It is noted that the use of this threshold has been supported by Inspectors in planning appeal decisions.

The application is supported by an “Odour Dispersion Modelling Study” prepared by AS Modelling & Data. This assessment uses the standardised approach to odour assessment and the results of the model runs are presented in a report. The conclusion states the following in relation to residential properties not associated with the farm: “The results of the modelling indicate that, should the proposed development of the poultry unit at Cwmroches Farm proceed, the 98th percentile hourly mean odour concentration would be below the Environment Agency’s benchmark for moderately offensive odours.”

On the basis of the information submitted, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of odour. Following consultation, it is noted that no concerns have been offered by the Environmental Health Department in this respect. Therefore Development Management considers the proposal to be in accordance with planning policy, in particular UDP policy GP1.

Drainage

A Flood Consequence Assessment (FCA) prepared by Hydrogeo Ltd was submitted in support of the application which concluded that there was adequate surface water provision at the site. Following consultation with Environmental Health further information was required regarding porosity tests. Once the drainage information was assessed Environmental Health offered no objection to the proposed drainage at the site subject to a condition requiring the system to meet standards within document H2 of Building Regulations.

At pre-application NRW requested a drainage plan to show clean and foul drains, effluent containment, soak away, French drains and any sustainable drainage proposed including swales, reed beds or ponds. This information was provided as part of the FCA and following consultation with NRW they considered that this requirement had been met and requested a condition to ensure that the system is implemented in accordance with the FCA.

Powys Ecology were also consulted on the drainage plans which introduces an attenuation pond to filter the surface water run off from any hardstanding. It was also identified that the foul water will discharge to an appropriately sized septic tank, foul water will then be treated, following treatment the discharge from the unit is clean and will be discharged to a soakaway

and washdown water will be collected into a sealed system. Powys Ecology considered that the identified measures for the management of water were appropriate.

Therefore Development Management considers the proposal to be in accordance with planning policy, in particular UDP policy DC11 and DC13.

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

Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, the recommendation is one of conditional consent.

All information submitted with the application, including Environmental Statement have been considered.

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 documents received 31st March 2017 (Design & Access Statement, Environmental Statement, Phase 1 Environmental Appraisal, Phase 1 Environmental Appraisal & Method Statement for Newts Report (received September 2017), Dispersion Modelling Study of the Impact of Odour (1st December 2016), Report on the Modelling of the Dispersion and Deposition of Ammonia (1st December 2016), Landscape and Visual Impact Assessment (March 2017), Environmental Noise Assessment (24th January 2017), Flood Consequence Assessment, Pollution Prevention Plan and Transport Statement (21st March 2017) and plans received 31st March 2017 (drawing no's HA21609/01 Rev B, HA21609/02, HA21609/03 Rev C, HA21609/04, HA21609/05, HA21609/06 Rev B and 0511/001).
- 3.Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
- 4.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
- 5.Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
- 6.Prior to commencement of development, a Tree Planting Scheme to reduce nitrogen deposition from the proposed development to the Cae Cwm-Rhocas SSSI shall be submitted to the Local Planning Authority for approval. The tree planting identified will be in addition to those areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March

2017. The approved scheme shall be implemented as approved and maintained thereafter.

7. Prior to commencement of development, a detailed Native Woodland Creation and Management Plan including details of species to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 shall be submitted to the Local Planning Authority and implemented as approved and maintained.
8. The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal & Method Statement for Newts Report by Greenscape Environmental Ltd dated September 2017 shall be adhered to and implemented in full.
9. The Landscaping Scheme specifications and aftercare measures identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 shall be adhered to and implemented in full.
10. 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.
11. The development shall be carried out strictly in accordance with the measures identified regarding Site Drainage Management including Foul, Dirty and Surface Water Management within the Flood consequence Assessment Report produced by Hydrogeo dated 03/03/2017 and shown on Drawing 6 of the Report and maintained thereafter.
12. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Pollution Prevention Plan: In Relation to Proposed Poultry Development at Cwmroches Farm produced by Berrys and maintained thereafter.
13. Prior to commencement of development a Pollution Prevention Plan for the installation of the new culvert required to form the access road shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
14. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800-1800 hrs Monday to Friday
 - 0800-1300 hrs Saturday
 - At no time on Sundays and Bank Holidays

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

15. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission

shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as L_{A90} [1hour] (day time 07:00-23:00 hours) and/or (b) L_{A90} [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

16. 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.
17. All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.
18. All vehicles used for the movement of manure if taken off site shall be sheeted and/or fully covered.
19. Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at the light sensitive locations when the light is in operation.
20. Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.
21. Prior to any works being commenced on the development site the applicant shall construct the passing bay along the C1222 county highway as detailed on the approved drawing 0511/001. The passing bay shall be constructed to an adoptable standard prior to any works being commenced on the development site.
22. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
23. Before any other development is commenced the access shall be constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 46 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.
24. Before any other development is commenced the area of the access to be used by vehicles is to be widened in accordance with detail submitted on approved drawing 0511/002 and 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 20 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.

25. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 7.6 metres for a minimum distance of 20 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.
26. Prior to first use of the buildings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.
27. 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.
28. No storm water drainage from the site shall be allowed to discharge onto the county highway.
29. Any entrance gates shall be set back at least 20 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.

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 safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
5. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
6. To comply with Powys County Council's UDP Policies SP3, ENV3, 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 Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP Policies SP3, 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 Section 6 of the Environment (Wales) Act 2016.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
14. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
15. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
16. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
17. To protect the local amenities of the local residents from the excess of mal-odorous emissions. in line with Powys UDP policy GP1.
18. To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects in line with Powys UDP policy GP1.
19. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
20. To protect the local amenities of the local residents from insufficient drainage

21. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
22. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
23. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
24. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
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27. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
28. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
29. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.

Informative Notes

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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).

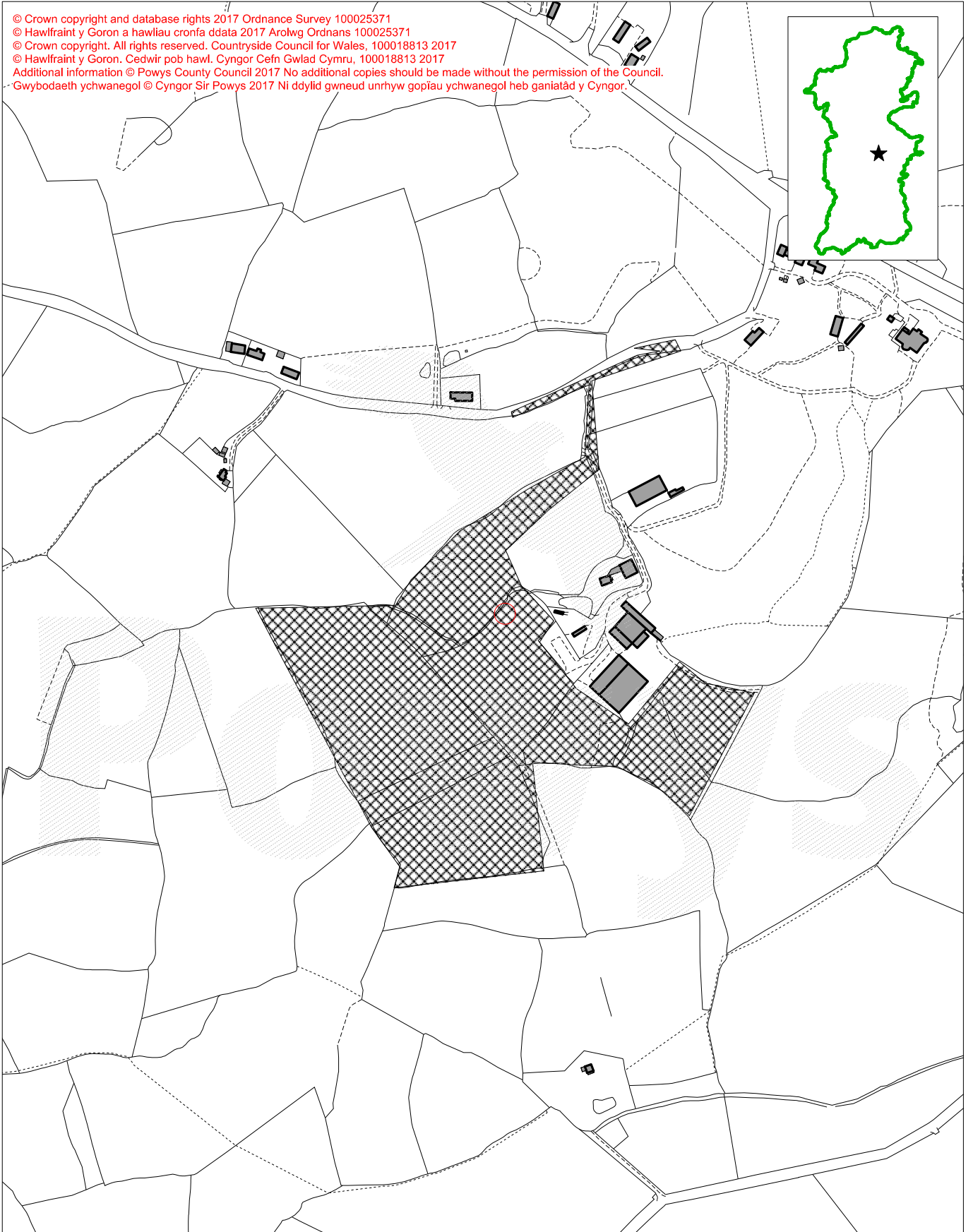
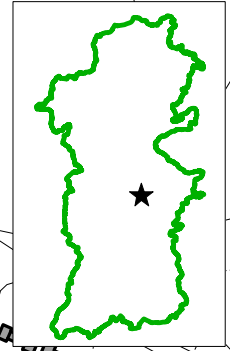
It is therefore an offence to:

- 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.

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

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

7.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0370	Grid Ref:	310114.75 306195.63
Community Council:	Llanfair Caereinion	Valid Date:	Officer: 06/04/2017 Eddie Hrustanovic
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		

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 subject to this application is located adjacent to the Llanfair Caereinion development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside.

The site is located adjacent to existing residential estate known as Maes Gwyn situated on south eastern side of Llanfair Caereinion, bounded to the north by existing agricultural land, Watergate Street to the south, existing residential dwellings to the east and settlement boundary. The access will be obtained via an existing agricultural gate linking to the estate road.

Consent is sought in outline for the construction of up to 9 dwellings, including a provision of two affordable dwellings (7 open market + 2 affordable units)..

Consultee Response

Llanfair Caereinion CC

Application supported

PCC Highways

Wish the following recommendations/Observations be applied;

The unclassified highway does not abut the application site and there is an approximate 23 metre distance between the end of the highway and the application site boundary. As such the new estate road will need to incorporate this length of private highway in order to ensure that adoptable standards are constructed for the entire estate road.

Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

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 15 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 dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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 dwellings remain in existence.

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 15 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.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

Building regulations will be 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

PCC Environmental Health

As there is a connection to the mains foul drainage I have no objection to the application.

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/0370 which concerns an outline application for a Residential development of up to 9 dwellings, formation of vehicular access and associated works (some matters reserved) at Land adj Maes Gwyn, Llanfair Caereinion, Welshpool. Apologies for the delay in getting my consultation response to you.

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

The data search identified 73 records of protected and priority species within 500m of the proposed development. No records were for the site itself. Species identified as present within 500m of the proposed development included reptiles, bats and amphibians. No statutory or non-statutory designated sites are present within 500m of the proposed development. No ecological information has been submitted with the application. Having reviewed the available information it is considered that the site of the proposed development comprises an area of improved grassland currently used for grazing purposes - a habitat of low ecological value – adjacent to an existing housing estate. The boundaries of the site comprises areas of hedgerows and trees - habitats of high ecological value.

The submitted plans and associated information identifies that the site will be accessed by the extension of the existing Maes Gwyn Estate road, it is therefore understood from the submitted plans that there would be no need to remove any hedgerow to accommodate the required access to the site.

Existing lengths of hedgerows appear to be present along the south-east and north-west boundary of the site of the proposed development. 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'

It is noted that the submitted plans indicate that these hedgerows will be retained as boundary features for the proposed development. **It is recommended that in order to ensure the safeguarding of hedgerows and trees that are to be retained as part of the development a tree and hedgerow protection plan is secured through an appropriately worded condition.**

Whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matters it is noted that the proposed plans indicate the provision of landscaping including what appears to be areas of new hedgerow and tree planting as part of the proposed development. The provision of landscaping is welcomed, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. **It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.**

Given the relatively rural location of the proposed development careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area. **It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.**

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

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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

Reason:_To comply with Powys County Council’s UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason:_To comply with Powys County Council’s UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following Informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

PCC Land Drainage

In response to your enquiry regarding the above mentioned application, the LLFA would make the following comments/recommendation.

Land Drainage / Flood Risk

Comment: The Authority holds no historical flooding information relating to the site itself.

Surface Water Drainage

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to a sustainable drainage system. Further reference is made within the Planning Statement (Item 4.6) where it indicates surface water drainage will be dealt with by a SuDS or soakaway system. The Planning Statement makes further reference to surface water drainage (Item 9.2), where it states there are a number of options which could be implemented on site to ensure that surface water is dealt with adequately, and does not raise any flood risk on site or third party land.

No surface water drainage details/drawings have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design such as that recently published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems” dated January 2016 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

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 use of sustainable drainage techniques and or soakaway is commended, however, it may be challenging to find a suitable SuDS solution, particularly due to the existing subsoil conditions in the locality. Off-site disposal of surface water run-off may be feasible either to the public surface water sewer or watercourse located in Watergate Street.

It is essential the proposed surface water drainage arrangement will not cause or create a flooding nuisance to any third party or any publicly maintained Highway.

Recommendation: Prior to commencement on site, an assessment shall be carried out into the potential for disposing of surface water by means of sustainable drainage systems (SuDS) in accordance with the principles set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment provided to the local planning authority. Where a SuDS scheme is to be provided, the submitted details shall:

1. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
2. Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
3. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the proposed surface water drainage system for the site is fully compliant with regulations and is of robust design.

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

Cllr V Evans (former councillor)

Supports this application

Representations

The application was advertised through the erection of a site notice and press advertisement. Three public representations (objections) have been received in respect of the proposed development.

The objections received are summarised below;

- Detrimental impact on the visual amenity of the area,
- The development will change the character of the area,
- Loss of view and outlook,
- Devalue the properties in the area,
- The site is outside designated settlement boundary,
- Local services are at capacity,
- Sewage system is at capacity,
- Residents will be inconvenienced/disturbed during the construction,
- Concern over traffic impacts,
- No proven need for such a scale of development.
- Residential amenity impact.

Planning History

No relevant planning history

Principal Planning Constraints

Outside 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 (2013)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

Powys Residential Design Guide

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

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

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

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llanfair Caereinion (defined as an Area Centre within the UDP). Llanfair Caereinion benefits from a number of services such as convenience stores, Doctor's surgery, butchers, public houses, leisure centre and primary and secondary school. The site will be linked to the existing residential estate as demonstrated by the proposed plan allowing pedestrians to walk to the settlement safely if they wish. Llanfair Caereinion also benefits from public transport which provides access to other larger settlements such as Welshpool which is located approximately 8.5 miles to the east.

Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Affordable Housing

Whilst UDP policy states that affordable housing provision should be 30-35%, latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in

this area would be viable. In support of the application the developer has proposed (2 units) 20% affordable housing which would be conditioned as part of any consent.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site gently slopes downwards in the north west direction. The block plan demonstrates that 4 plots of the development would be located on that side of the field, while on the flatter area of the site additional 5 plots will be located. As part of the development would be on a slope, Officers consider that through sensitive design and landscaping that the development would not have a detrimental impact on the surrounding landscape.

The indicative site layout details a cul-de-sac with development on either side of the access, consistent with the surrounding built form and development within the wider settlement and adjacent residential estate.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 9 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The site is accessed from the Maes Gwyn residential estate road. Powys Highway Authority have confirmed that there are no objections to the scheme and have not raised any highway safety issues in this respect. Public representations are acknowledged in respect of the anticipate increase in vehicular movements to/from the proposed development however it is important to note that Powys Highway Department have not raised any concerns in this respect, however they have requested inclusion of number of highway safeguarding conditions.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

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. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is bounded to the south west by existing properties located on Maes Gwyn residential estate. Concerns have been expressed by the occupiers of neighbouring dwellings that the proposal would negatively impact on their properties, however it is important to note that indicative plans show that there is sufficient distance (ranging from 10 meters to 15 metres from the wall-to-wall between the existing and proposed units, with intervening gardens between), to ensure adequate privacy between the neighbours. It is also important to note that no properties that are adjacent to the existing dwellings are directly overlooking each other.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to plots 1, 5 and 9 of the proposed site, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

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

Impact on biodiversity and suitability of landscaping

The proposed development would result in the loss of an area of approximately 0.49ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by County Ecologist with respect to the ecology of the site.

The County Ecologist notes that having reviewed the available information it is considered that the site of the proposed development comprises an area of improved grassland currently used for grazing purposes - a habitat of low ecological value – adjacent to an existing housing estate. The boundaries of the site comprises areas of hedgerows and trees - habitats of high ecological value. The submitted plans and associated information identifies that the site will be accessed by the extension of the existing Maes Gwyn Estate road, it is therefore understood from the submitted plans that there would be no need to remove any hedgerow to accommodate the required access to the site.

It is considered that through the introduction of appropriate planting, landscape impacts would be minimised and biodiversity enhanced. The County Ecologist has recommended a

number of safeguarding conditions to be attached if the application is approved. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

Having taken the above into account it considered that, subject to conditions, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy.

Foul water disposal

Policy DC10 (Mains Sewerage Treatment) requires that development are adequately served by the public foul sewerage system.

The application states that the proposed development would utilise the existing mains sewerage system. Concerns have been raised from a third party over the capacity of the sewerage system, however following consultation with Severn Trent no objections have been raised to the proposed development. Consultation was also undertaken with Environmental Health who offered no objection to the use of mains sewerage.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

Welsh Language and Culture

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

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

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

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

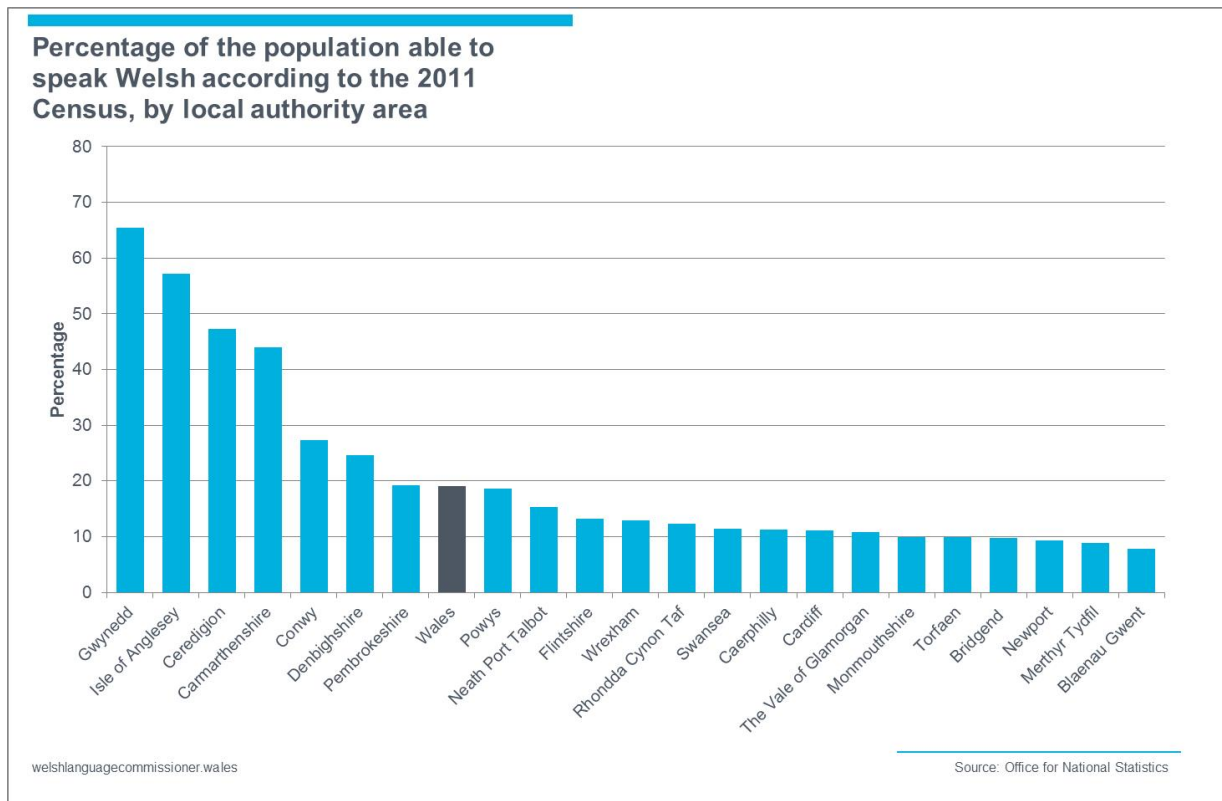
With regards to the Development Management function, TAN 20 states as follows:

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

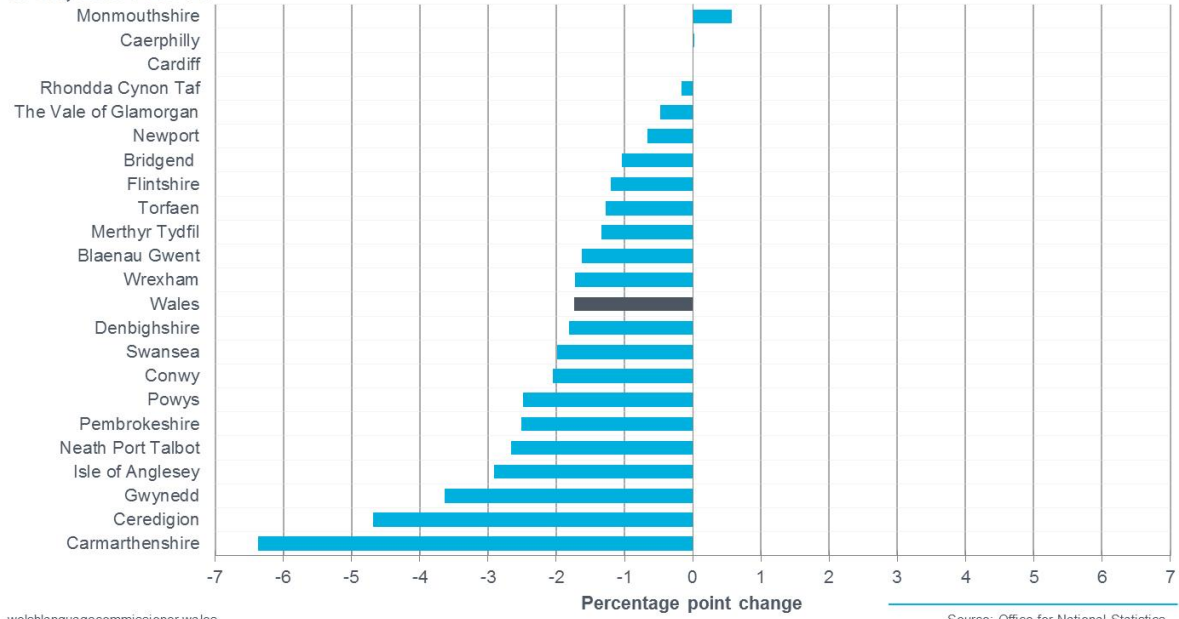
Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanfair Caereinion has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;



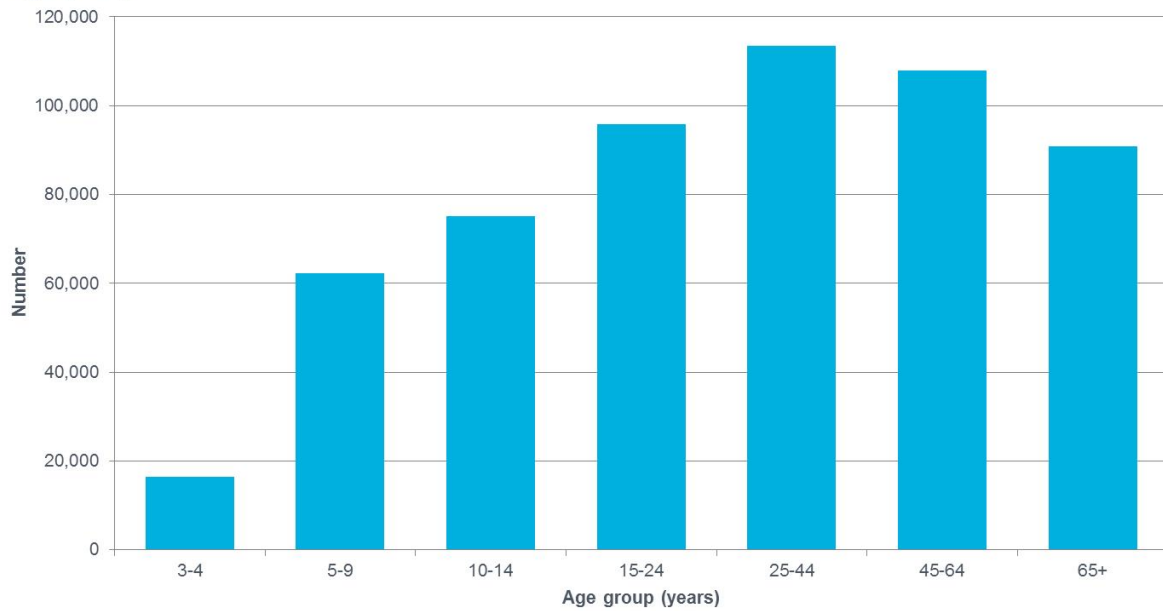
Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



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
1,563	122	79	24	499	55	784

2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
1,757	910	148	632	74	40	512	73

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	36	39	632	613
3-15	62.3	56.5	198	183
16-64	29.5	31.9	326	313
65+	32.2	43.8	108	117

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64 age category. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

“We accept that Llanfair is an identified settlement under Policy GP 5 and as such we have taken the importance of the Welsh Language and Culture into account through the provision of a housing mix, through the sustainable location and obviously through the provision of affordable homes”.

The scheme brings forward an appropriate number of affordable units as suggested under Policy GP 5. The proposed scheme will provide a proportion of affordable housing. It is stipulated as a guideline within the adopted UDP to be between 30-35%. However, it is noted that the scale of affordable housing to be provided will be a matter of negotiation for each individual site.

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. It is envisaged that the number of affordable dwellings within the scheme to be approximately 2 units, with a maximum footprint of 130m² therefore ensuring affordability. The affordable dwelling will be integrated throughout the site.

It is considered that the introduction of nine 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 Llanfair Caereinion and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

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

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/TW-JOB16-03).
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 dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. The development hereby permitted shall not commence until an assessment is carried out into the potential for disposing of surface water by means of sustainable drainage systems (SuDS) in accordance with the principles set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment submitted to and approved in writing by the local planning authority. Where a SuDS scheme is to be provided, the submitted details shall:

- a. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
- c. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.

8. The development hereby permitted shall not commence until drainage plans for the disposal of foul water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

9. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

11. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

12. Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

13. No other development shall commence until the area of the access to be used by vehicles has been 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 15 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.

14. Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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.

15. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

16. The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres for a minimum distance of 15 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.

17. 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.

18. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from

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

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

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

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 unless otherwise agreed in writing with the Local Planning Authority.

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 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 or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

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

9. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance

the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

10. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

11. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

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.

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

21. 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.

22. 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.

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

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

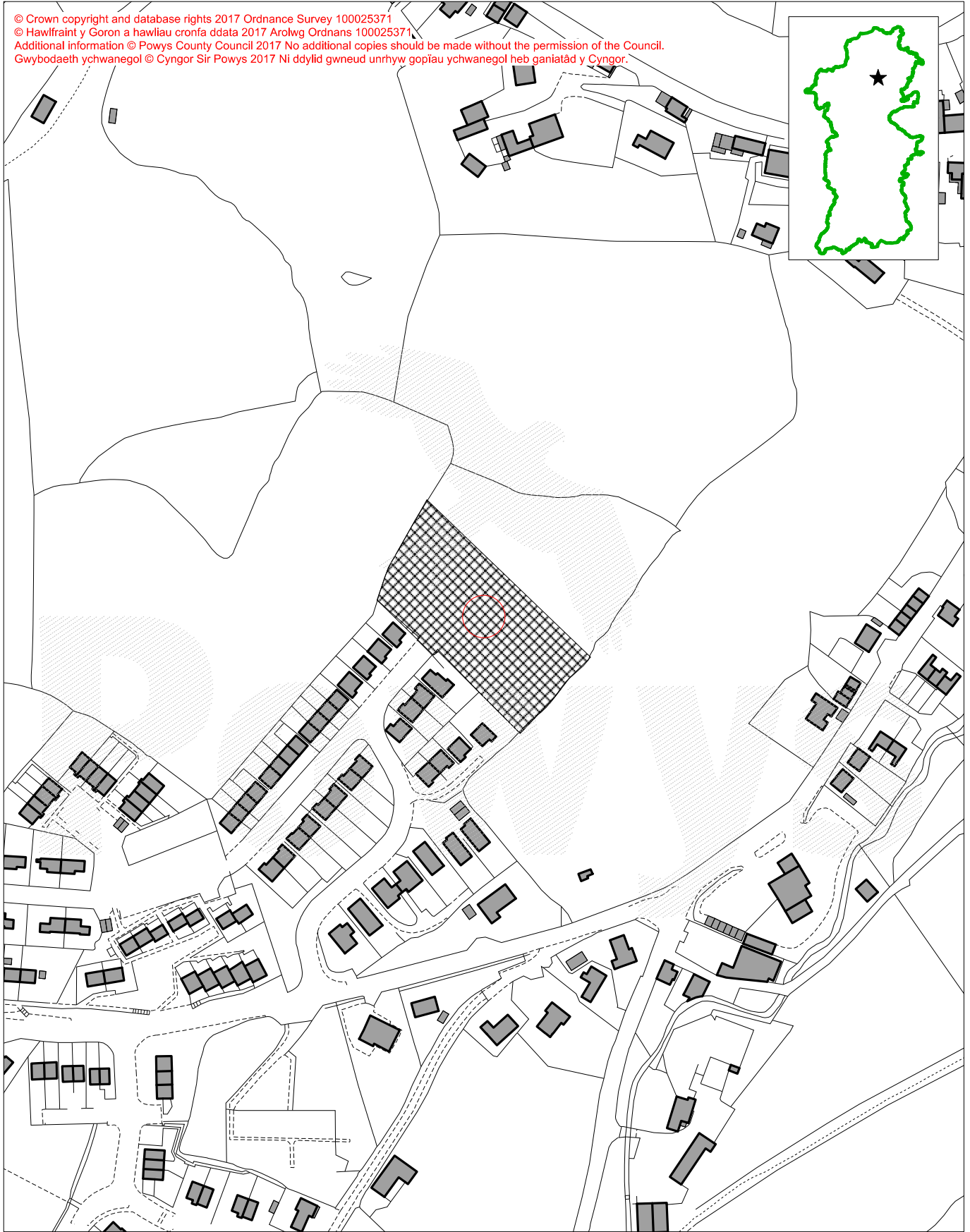
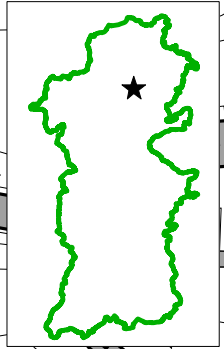
"" intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
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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

Application No:	P/2017/0623	Grid Ref:	325471.4 315537.47
Community Council:	Llandrinio	Valid Date:	Officer: 08/06/2017 Eddie Hrustanovic
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		

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 application site (Phase 2) is located 47 metres west of the designated settlement boundary, however adjacent to the recently approved development site for 9 dwellings (P/2016/1036) which is adjacent to the designated settlement boundary. Arddleen Primary School is located to the north west, while C2106 class three highway is located to the north of the site. A dwelling known as Windy Ridge is located to the north east of the application site while dwelling known as The Oaks is to the south of the application site. The site is agricultural land which is bound with hedgerows and mature trees.

The application is submitted in outline with all matters reserved for the erection of up to 9 dwellings, formation of estate vehicular access and associated works. The access to the C2106 will be shared with Phase 1 development. The site area is 0.3 hectares. The submission provides the following indicative scales:

- 1 x three bed detached dwelling (89m²) + detached single garage,
- 2 x three bed detached dwelling (90m²) + detached single garage,
- 1 x four bed detached dwelling (99.4m²) + detached single garage,
- 3 x four bed detached dwelling (125m²) + integral single garage.

Consultee Response

Llandrinio CC

The Community Council held a site meeting at the above property on Thursday 13th July. They wish to OBJECT to the above development for the following reasons:-

Contrary to Policy GP1 Outside the development boundary

Councillors feel it is still important to adhere to the principles embodied in the Development Plan and that any development outside of the boundary should only be considered if it is 100% affordable.

Policy HP3 Housing Land Availability

It appears that the lack of a 5 year housing supply seems to override all other considerations and in the case of Arddleen planning permission has already been granted for 22 dwellings with a further 46 to be considered.

Policy GP 4 – Highway & parking requirements

The access to this development is on a busy narrow lane also serving the School and Community Hall. Proposals should include the 30mph sign being relocated towards Sarnau and an extra passing place installed further up this lane.

Policy DC10 – Mains Sewage Treatment

The proposals do not indicate how they will join onto the existing sewage system in Arddleen. The Community Council has received confirmation from Severn Trent that the existing sewage works are at full capacity – a contribution needs to be sought for the upgrade of these facilities which will be necessary as a result of this development. Care is also needed in relation to the outfall from the works into the Belle Brook which is already a cause of concern in times of flooding for residents and the impact of the increased capacity of the works needs to be carefully evaluated.

Policy SP1 – Social, Community and Cultural Sustainability

Contribution needs to be sought from the Developer towards the upgrading of facilities at the local School in Arddleen and also the wider problems of improving the Medical Facilities in the area. We note that this application is phase 2 and that 9 dwellings have already been given permission – no allocation has been awarded for the provision of any play equipment and therefore a contribution should be requested for play facilities.

Powys Highways

Wish the following recommendations/Observations be applied:

Prior to any other works commencing on the development site, detailed engineering drawings for a footway, widening and traffic calming along the Class III C2106 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.

HC1 any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

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 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 30 and shall be retained at this gradient for as long as the dwellings remain in existence.

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

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres 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.

HC22 Upon completion of the access as condition HC7 any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system. 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 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.

Wales and West Utilities

No apparatus in the area of the enquiry.

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

Powys Environmental Health

I assume that this development will connect to the mains sewerage system, in which case Environmental Protection has no objection.

Powys Affordable Housing

In response to consultation on this planning application, I note the proposal is to provide for 9 dwellings. The affordable housing element should therefore amount to 3 dwellings.

With regards to provision of affordable housing, the following guidelines should be adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

Representations

Two letters from local residents have been received in respect of the proposal.

First representation is expressing general dissatisfaction with this type of applications based on housing land supply. The representation states that these types of developments are not in keeping with appearances of villages, there are highway/traffic issues and sewage capabilities, and furthermore these types of developments are not affordable due to their excessive sizes.

Second representation is objecting on the scheme on the grounds that it appears that the Phase 2 appears to be a site splitting, risk for water surface draining, possible negative impact on surrounding properties and negative impacts upon them, the proposed properties would be higher than neighbouring bungalow

Planning History

P/2016/1036 - Development of up to 9 dwellings, formation of vehicular access and associated works (outline) - Phase 1. Consent.

Principal Planning Constraint

- C2106 class three highway;
- Application site is located approximately 190 metres to the North West of the Montgomery Canal SAC/SSSI; and
- Outside of settlement development boundary.

Principal Planning Policies

National Planning Policy and Other Guidance

Planning Policy Wales (Edition 9, November 2016)

TAN 1: Joint Housing Land Availability Studies (2015)
 TAN 2: Planning and Affordable Housing (2006)
 TAN 5: Nature Conservation and Planning (2009)
 TAN 6: Planning for Sustainable Rural Communities (2010)
 TAN 12: Design (2016)
 TAN 15: Development and Flood Risk (2004)
 TAN 16: Sport, Recreation and Open Space (2009)
 TAN 18: Transport (2007)
 TAN 20: Planning and the Welsh Language (2013)

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

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

Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system (2017)

Fields in Trust Guidance for Outdoor Sport and Play – Beyond the 6 Acre Standard Wales (January 2017)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability
 UDP SP2 - Strategic Settlement Hierarchy
 UDP SP3 – Natural, Historic and Built Heritage
 UDP SP5 - Housing Developments
 UDP SP6 – Development and Transport
 UDP SP9 – Local Community Services and Facilities
 UDP GP1 – Development Control
 UDP GP2 – Planning Obligations
 UDP GP3 – Design and Energy Conservation

UDP GP4 – Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP ENV1 – Agricultural Land
UDP ENV2 – Safeguarding the Landscape
UDP ENV3 – Safeguarding Biodiversity and Natural Habitats
UDP ENV4 – Internationally Important Sites
UDP ENV5 – Nationally Important Sites
UDP ENV7 – Protected Species
UDP ENV14 – Listed Buildings
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP ENV18 – Development Proposals Affecting Archaeological Sites
UDP CS3 – Additional Demand for Community Facilities
UDP HP3 – Housing Land Availability
UDP HP4 – Settlement Development Boundaries and Capacities
UDP HP5 – Residential Developments
UDP HP6 – Dwellings in the Open Countryside
UDP HP7 – Affordable Housing within Settlements
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP9 – Affordable Housing in Rural Settlements
UDP HP10 – Affordability Criteria
UDP RL2 – Provision of Outdoor Playing and Recreation Space
UDP RL6 - Rights of Way and Access to the Countryside
UDP TR2 – Tourist Attractions and Development Areas
UDP T2 - Traffic Management
UDP DC3 – External Lighting
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage

Powys Residential Design Guide (2004)

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

Powys Joint Housing Land Availability Study (2016)

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

As referred to within the response from the Community Council and within public representations, the proposed development lies wholly outside the development boundary of Arddleen as detailed on inset map M104 and would result in nine 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.

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.

As noted above, Arddleen is identified as a large village within the UDP and it is noted that the village is served by a range of community services and facilities including primary school, community centre and public house. It is also noted that the village is served by a bus route and is located approximately 7 miles from Welshpool and 9 miles from Oswestry.

Given the designation as a large village, and that the proposal is for up to 9 dwellings adjacent to the recently consented site, it is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

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”.

Public representations have raised concern over proposals for housing developments outside designated settlement boundaries, 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.

Arddleen is classified as a large village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M104 HA1 – Land adjacent Naylor House extending to 0.98 ha) and this site has been developed. Recently, the Planning, Taxi Licensing and Rights of Way Committee resolved to grant outline permission for four dwellings on land opposite the application site under reference P/2016/1189 and a further application for up to 9 dwellings at Land at Bryn Perth, has been approved under reference P/2016/0319.

It is important to note that application P/2016/1036 - Development of up to 9 dwellings, formation of vehicular access and associated works (outline) received consent recently, and this proposed development is adjacent to the approved site. It should be noted that the site itself is approximately 35 metres to the south west of designated settlement boundary with consented site P/2016/1036 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.

Affordable housing

Given that the proposal is for nine 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 as follows (There will be duplication within these figures as the same person may have applied for more than one type of property):

Property type	Housing need
1 bed	26
2 bed	49
3 bed	19
4 bed	7

This is an accepted form of evidence which demonstrates evidence of housing need in the locality. The applicant has offered to provide on-site provision of two affordable dwellings (the two semi-detached two bedroomed dwellings) which equates to a 22% provision which is below the 30-35% proportion advised that is normally achievable within the UDP. Officers are aware that the viability evidence of the Local Development Plan is currently being reviewed and updated. It is understood that it is likely that the affordable housing provision requirement will be lower than that currently required under the Unitary Development Plan. Therefore, on this basis, it is considered that the proposed level of affordable housing (two units) is acceptable and a condition should be attached to require the submission of a scheme for the provision of affordable housing.

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. Public representations have raised concern over the impact of the development in terms of privacy (dwelling and garden) and overshadowing of the property known as The Oaks.

The proposed site is located adjacent to the consented site (Phase 1) which and it is directly adjacent to the garden of the property known as The Oaks (south east of the proposed site). The indicative layout demonstrates that the side elevation of plot 10 would be approximately 30 metres from the side elevation of The Oaks. While the plots 16, 17 and 18 are approximately 35 metres away from the bungalow known as Greencare with intervening county highway between. These distances comply with the guidelines set out within the Residential Design Guide in respect of privacy and overshadowing.

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 the C2106 class three highway via a new vehicular access which was consented on Phase 1 development (P/2016/1036). The Community Council has commented that although visibility is good this is a busy narrow lane. In addition, the Community Council has commented that the 30mph sign needs to be moved further back and an extra passing place installed. Public representations have raised concerns over the additional traffic which would be generated by the development.

It is important to note that the Highway Authority has advised during the Phase 1 application that there is no objection in principle, however connection to the existing footway to the north east of the site at the 20mph speed limit sign to enable pedestrian access to the school from the site is recommended. In addition, the width of the C2106 serving the site is of a single track nature. Development Management agreed that in combination with a separate

application for up to four dwellings on land opposite the application site (reference number P/2016/1189 which has recently been approved by the Members), improvements to the C2106 highway would be of benefit and are required involving widening of the C2106 and the provision of a footway to the village.

The original and current submission demonstrates that the access could be achieved and given the width of the highway verges at this location, road widening and a footway along the frontage of the development could be achieved. It is important to note that the original scheme already includes additional footpath and widening of the existing footpath which will connect Phase 1 and Phase 2 developments with the village.

Overall, subject to the use of conditions to ensure that the access is completed to the required standard together with the provision of a footway, it is considered that the proposal makes adequate provision for highway access and parking in accordance with UDP Policy GP4.

Foul drainage

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

Flood risk and surface water drainage

The application site is within Zone A of the TAN15 Development Advice Maps and as such is not known to be at risk of flooding.

In respect of surface water disposal, the submission indicates that this would be disposed to the main sewer. Public representations have raised concern over surface water disposal. Severn Trent Water has not objected to the proposal, subject to the use of a condition to require the details of surface water drainage being submitted before works commence. Although The Council's Land Drainage Engineer did not comment in respect of this current submission (Phase 2) it is noted that he has advised during the Phase 1 development that the nearest public surface water sewer is in 'Llwyn Perthi' and third party approval to cross intervening land may be an issue.

He also noted that if third party approval cannot be gained to connect into the public surface water sewer, the Land Drainage Engineer has also advised that soakaways are going to be of limited use as the ground conditions in Arddleen are poor for soakage. Therefore, it has been advised that an appropriate surface water drainage design was required prior to any consent being granted. Taking into account the original advice from the Land Drainage Engineer and the contents of the Drainage Strategy (for Phase 1 development), given that soakaways are not likely to be feasible but that there are solutions available, particularly connection to the mains surface water system and that Severn Trent Water has not objected

to the proposal, it is recommended that a condition should be attached to any consent granted to require the submission and approval of a surface water drainage scheme to ensure that adequate provision is made for surface water drainage.

Impact upon nature conservation

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 the proposal would affect nature conservation interests. Landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3.

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 reserve this trend.

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

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all

other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Arddleen has not been identified as one of the settlements under policy GP5.

Community: Llandrinio

Able to speak Welsh

	2011	2001	2011	2001
Age	%	%	Number	Number
3+:	12.2	13.7	176	148
3-15:	38	37.3	101	62
16-64:	6.6	9.9	58	70
65+:	5.6	7.6	17	16

It is considered that the introduction of nine dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing (two) will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade’s people. It is further 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.

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

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

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

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

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

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

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

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2106 highway (drawing no: RPP/RC/JOB37-03.2).
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 dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

8. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

10. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

11. Upon the submission of the reserved matters referred to in Conditions 1 and 2, a scheme for the provision of road widening along the C2106 and a footway shall be submitted

to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwellings hereby approved the approved road widening improvement along the C2106 and construction of a footway shall be fully completed.

12. 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.

13. 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.

14. No other development shall commence until the access has been 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.

15. 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.

16. 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.

17. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 30 and shall be retained at this gradient for as long as the dwellings remain in existence.

18. 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.

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

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

21. 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.

22. Upon completion of the access as per above conditions any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

23. All surface water run-off is to be collected and discharged via a piped system. This system shall be retained and maintained for as long as the development remains in existence.

24. Upon formation of the visibility splays as detailed in the above conditions 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.

25. 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.

26. 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.

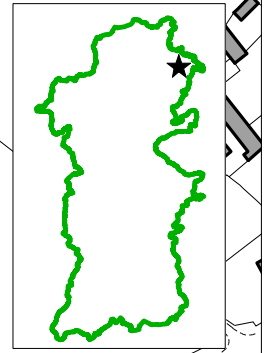
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

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 or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

8. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
10. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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25. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
26. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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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

Application No:	P/2017/0277	Grid Ref:	303966.07 251120.99
Community Council:	Builth Wells	Valid Date:	Officer: 09/03/2017 Thomas Goodman
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 reason for Committee determination

The proposed development is located within a C2 flood zone and seeks consent for highly vulnerable development and is recommended for approval. The development is therefore a departure from the Powys Unitary Development Plan (2010).

Site Location and Description

The proposed development is located within the settlement development boundary of Builth Wells as defined by the Powys Unitary Development Plan (2010). To the south, east and west of the proposed development site are residential properties and to the north is Builth Wells playing fields.

Consent is sought in full for the extension of an existing building to provide 2 self-contained flats. The maximum height of the proposed development will be approximately 7.7 metres in height and will measure approximately 9.2 metres in length by 7.0 metres in width. The proposed development will be finished in random grey stone with yellow brick reveals under grey slates to match the adjoining property.

Consultee Response

Builth Wells CC

No response received at the time of writing this report.

PCC Highways

Does not wish to comment on the application

PCC Building Control

No response received at the time of writing this report.

Wales and West Utilities

No response received at the time of writing this report.

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.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

PCC Built Heritage

Thank you for consulting me on the above application. I note the previous application was refused on drainage grounds. As there have been no changes to the design, I would have no further comments other than those made on the previous application P/2016/0349.

I would therefore not object to the current application. I am attaching my previous comments as an appendix for ease of reference.

Thank you for consulting me on the above applications.

I note that the buildings are outbuildings to a large Victorian Property within the Built Wells Conservation area. The property is in a prominent location overlooking the playing fields and Groe car park.

Conservation Area Consent is required for the demolition of the garage and stores.

Paragraph 33 of Welsh Office Circular advises that, “ The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

Section 34 of WO61/96 advises that “ it will be appropriate to impose on the grant of consent for demolition a condition under Section 17(3) of the Act - as applied by Section 74(3), that demolition shall not take place until a contract for carrying out development work has been made and planning permission granted.”

The proposal should be considered against the following criteria; (paragraph 92 of WO Circular 61/96 as advised by paragraph 33 of same circular)

(i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Less favourable levels of rents and yields cannot automatically be assumed. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In those cases where it is clear that a building has been deliberately neglected, less weight should be given to the costs of repair;

(ii) the adequacy of efforts made to retain the building in use. This should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition (the offer of a lease would normally reduce the chances of finding a new use for the building); and

(iii) the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretary of State takes the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. Even where it is thought that the proposed works would bring substantial

benefits for the community, it will often be feasible to incorporate listed buildings within the new development, and this option should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design.

1. The condition of the building.

The buildings to be demolished are of a relatively modern construction, flat roofed and of materials mis matched to the main property. Whilst noting that no details have been submitted in support of the conservation area consent application, in this instance I would not consider that they are required to ascertain the age, quality and contribution that the building makes to the character and appearance of the conservation area.

2. The adequacy of efforts made to retain the building in use.

Whilst the building to be demolished could not be described as in perfect condition requiring a little maintenance, it could also not be described at a stage of neglect that suggests demolition, and as such it is considered that adequate efforts have been made to retain the building.

3. The merits of alternative proposals for the site.

The proposal is for a two storey extension which is subservient to the main three storey building in height and scale, and the materials are yellow bricks and stone to match the main property, and slate roof.

The windows are nicely proportioned within the extension, not reflecting the size of the main house which is reflective of its age and maintaining the subservient element of the extension. I would consider that the proposed replacement building is well matched to the main building. I would however raise the question of roof materials, the plans refer to grey/blue Spanish slates and page 1 of the Design and Access statement refer to grey/blue slates and page 2 of the Design and Access statement refers to Redland Cambrian roof slates. The roof would be the most visible element of this extension and the use of a natural slate is welcomed, and I would request that the roof materials be clarified or conditioned.

I note that paragraph 8 of Welsh Office Circular 61/96 reminds us of our duties in that "Authorities are also required by Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in the exercise in a conservation area of their powers under the Planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area."

Local Plan policies reflect national legislation and I am mindful of the policies relating to general development within the Powys UDP namely: UDP SP3 b which states that "Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and, heritage conservation and historic interest". Policy ENV13 refers to demolition on Conservation Areas,

Policy ENV13 Planning permission will only be granted for development involving demolition of an unlisted building in a Conservation Area where neither the character nor appearance of the area

will be harmed. Where necessary a planning condition will be imposed to ensure that a contract has been let for replacement development before any demolition is permitted to take place.

Where the structure makes a positive contribution to the character or appearance of the conservation area, account will be taken of:

1. Whether it is capable of retention or repair for a beneficial use;

2. Whether the proposed replacement, if any, would make a similar or greater positive contribution to the preservation or enhancement of the character or appearance of the area;
And
3. Whether it is necessary for reasons of over-riding public interest, including safety.

I would not consider that the buildings to be demolished make a positive contribution towards the character or appearance of the conservation area, and would not consider that the demolition of the buildings would adversely affect the architectural character or historical understanding of the conservation area, and as such I would not object to the application for conservation area consent.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and local plan policies SP3b and ENV11 reflect national advice. The proposed extension by virtue of its size and materials would preserve the character and appearance of the conservation area, and as such I would have no objections to the proposal, subject to the materials being clarified or conditioned.

Contaminated Land

In relation to Planning Application P/2017/0277 the following advice is provided for the consideration of Development Control.

Advice

Ordnance survey (OS) maps identify that the application site is located within 50 metres of a closed landfill site; a potential source of landfill gas.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

In consideration of the application proposal ('Extension to building'), the land use history of the surrounding area and current planning policy guidance it is recommended that the following Informant should be included on any permission granted for Planning Application P/2017/0277:

Potential Contamination Informant

The application site is located within 50 metres of a former landfill site. Due to the potential landfill gas risks associated with the former landfill site the planning applicant is advised to adopt the same specification of gas mitigation measures as may currently be installed in the existing building or to undertake a ground gas risk assessment. Further advice is available from the Contaminated Land team at Powys County Council.

NRW

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 16/03/2017. We have no objection to the development as explained below.

Flood Risk

The proposed extension is located within DAM Zone A and site access within Zone C2. We would therefore have no objection to this development however we note the advice in the submitted FCA (Hydro-logic Services, March 2017) and have the following comments:

The finished floor level of the extension should be set at or above 127.23maOD to ensure the building is flood-free in all scenarios and remains outside zone C2.

Occupants should be made aware of the risk and advised to sign up to the NRW flood warning service (<https://naturalresources.wales/flooding/flood-warning-service/?lang=en>)

We therefore would advise that the Planning Authority consults other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency plans.

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.

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

Consultation response received 04/04/2017:

The proposals as described do not appear to fall within Schedule 1 or 2 of the Environmental Impact Assessment (Wales) Regulations 2016.

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

The application site is located within the curtilage of a residential property, part of which would be demolished to accommodate two new flats. The Design and Access statement confirms that hedgerow to the north-east and south-west and mature trees to the north-west will be retained for this proposal.

There are historic records of otter on the nearby river, but these are considered unlikely to be affected by these proposals.

There are also historic records of six species of bat from within 2km of the proposed application site. Bat roosts are often associated with roofs, both internally using the loft void and externally, particularly utilising suitable roosting opportunities associated with the ridge and edges of the roofs.

No ecological information has been submitted with the application and it is considered that there is a reasonable likelihood of bat roosts being present, given the proximity of trees and hedgerows, the tree-lined watercourse to the north-east of the property, and the age of the property. Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.

Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

See previous comments regarding bat species. The building appears to have potential to support nesting Swifts, Barn Swallows, House Martins and House Sparrows. There is a historic record of possible nesting Swifts from nearby. The boundary habitat around the property could also support nesting garden birds including House Sparrow, Dunnock, Bullfinch and Song Thrush, all of which have previously been recorded nearby.

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

Please see previous comments regarding bat and bird species.

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 Design and Access statement confirms that hedgerow to the north-east and south-west and mature trees to the north-west will be retained for this proposal. These should be protected during the construction period in accordance with BS5837:2012.

As a biodiversity enhancement measure I recommend that suitable bat roosting boxes are incorporated within the new development; the details of these should be considered as part of the preliminary bat survey.

Please see previous comments regarding bat and bird species.

As a biodiversity enhancement measure I recommend that Swift nest bricks and House Martin/Barn Swallow nest cups are incorporated within the proposed new development.

The Afon Gwy SAC is located approximately 100m to the north-east, across a playing field, and is considered unlikely to be affected by this proposal due to its location within an existing residential property, lack of apparent pollution pathways from the application site and the nature of work proposed.

The Afon Irfon and Afon Gwy (Gwy Uchaf) SSSI's are located approximately 625m to the west and 100m to the north-east respectively, and are considered unlikely to be affected by this proposal due to its location within an existing residential property, lack of apparent pollution pathways from the application site and the nature of work proposed.

None within 500m. The Pheasantry Wood SINIC is located approximately 1km to the south-west, but is considered unlikely to be affected by this proposal due to its location within an existing residential property and the nature of work involved.

Bats

It is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application. Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

As a biodiversity enhancement measure I recommend that suitable bat roosting boxes are incorporated within the new development; the details of these should be considered as part of the preliminary bat survey.

Nesting birds

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

As a biodiversity enhancement measure I recommend that Swift nest bricks and House Martin/Barn Swallow nest cups are incorporated within the proposed new development.

Hedgerows and Trees

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.

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:

Prior to planning permission, a preliminary bat roost assessment by an appropriately experienced and licensed ecologist including a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development, shall be completed and the report submitted to the local planning authority.

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 appropriate bat and bird boxes 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 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.

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

Consultation response received 09/07/2017:

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2017/0277.

The additional information provided has been submitted to address the previous consultation response provided by YGC regarding the application dated 4th April 2017 where it was identified that the following information was required prior to determination of the application:

- Preliminary Bat Roost Assessment of areas affected by proposed development

In addition it was recommended that if planning permission were to be granted then conditions should be included regarding biodiversity enhancement opportunities and tree and hedgerow protection plan.

In order to address these comments the following reports have been submitted by the applicant:

- Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017
- Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 2017
- Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 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.

The preliminary bat roost assessment of the building affected by the proposed development was undertaken on the 19th April 2017, inspections were conducted of the external and external features that would be affected by and within the vicinity of the proposed development. No evidence of bat roost was identified in the existing extension that will be demolished to accommodate the proposed extension, two potential bat access points were identified in the fascia boards of the southeast aspect, however these were outside of the area affected by the proposed works. The report concludes that the proposed works are assessed as having no potential to directly impact a bat roost. Mitigation and enhancement measures have been identified as part of the report, the report also recommends that a method statement will need to be submitted to demonstrate how the proposed works will comply with the identified mitigation and enhancement measures. It is recommended that submission and implementation of the Method Statement for these measures is secured through an appropriately worded condition.

The Biodiversity Enhancement Plan identifies that whilst no evidence of nesting birds was found during the survey, a potential nesting site was identified and as such enhancement/compensation measures have been identified to provide compensation nesting opportunities for swifts and house martins/swallows. It is recommended implementation of the compensation nesting features identified in the Biodiversity Enhancement Plan is secured through an appropriately worded condition.

The Tree and Hedgerow protection plan provides an assessment of the potential impacts of the proposed development to the existing trees and hedgerows at the site, the report concludes that no trees or hedgerows will be lost to the proposed development, and there will be no encroachment into the roost protection area of any trees or under the existing canopy spread. The report concludes that to ensure that works are restricted to the hard standing area a hazard-tape cordon located 2m from the existing hedgerow will be erected from start

of demolition and retained in place until construction works are off the ground. It is recommended implementation of the Protection Measures identified in the Tree and Hedgerow Protection 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 the commencement of development a detailed method statement outlining how the Mitigation and Enhancement Measures identified in the Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017 will be adhered to 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.

The development shall be carried out strictly in accordance with the compensation measures identified in the Biodiversity Enhancements Section of the Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 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.

The Protection Measures identified in the Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 2017 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, 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.

In addition I recommend inclusion of the following informatives:

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

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

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.

Representations

Following the display of a site notice and press advertisement 1 letter of objection has been received at the time of writing this report. In summary the concerns raised relate to the following:

- Increase in noise, traffic, dust and disruption caused by building works
- Parking
- Loss of light and privacy
- Located within a Conservation Area and will spoil the vista

Planning History

P/2016/0350 - Conservation Area Consent: Demolition of single garage and stores – Conditional Consent – 26/05/2016

P/2016/0349 - Construction of two storey building to provide two additional self contained flats – Refused – 31/05/2016

Principal Planning Constraints

C2 Flood Zone

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

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

Local Policies

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

ENV11 – Development in Conservation Areas

ENV13 – Demolition in Conservation Areas

HP4 - Settlement Development Boundaries and Capacities

HP5 – Residential Developments

HP16 – House Extensions

DC10 – Mains Sewage Treatment

DC15 – Development on Contaminated or Unstable Land

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Principle of Development

UDP policy HP5 sets out the general requirements applied to all new residential developments such as this proposal. The proposal is for the construction of two self-contained two storey flats. The main planning consideration relating to this type of proposal is whether the buildings are within the settlements development limits. The proposed development is within the settlement development boundary of Builth Wells and therefore complies with the main planning consideration of policy HP5 of the Powys Unitary Development Plan (2010). Other planning considerations relating to new residential developments should consider the following:

Impact on the Character and Appearance of the Conservation Area

UDP policy ENV13 sets out the general requirements applied to all proposals which involve demolition within a conservation area such as this proposal. The main planning consideration relating to this type of proposal is whether the building is unlisted and the works will not affect the character or appearance of the area.

The outbuildings given consent under the reference number P/2016/0350 to be demolished are part of a large Victorian Property within the Builth Wells Conservation area, the building is not listed. The property is in a prominent location overlooking the playing fields and Groe car park. Consent has been granted under planning reference P/2016/0350 for the demolition of the outbuildings, this application is for full planning permission for a replacement structure. The replacement structure is a two storey building to provide two self-contained flats.

Powys County Council's Built Heritage Officer has been consulted on the proposed development and has stated that 'the proposed replacement structure is subservient to the main three storey building in height and scale, and the materials are yellow bricks and stone to match the main property, and slate roof. The windows are nicely proportioned within the extension, not reflecting the size of the main house which is reflective of its age and maintaining the subservient element of the extension. I would consider that the proposed replacement building is well matched to the main building.'

It is therefore considered that the replacement structure is acceptable under policy ENV13 of the Powys Unitary Development Plan (2010) subject to the following:

Design

With respect to design, appearance and location, specific reference is made to UDP policies GP1 and ENV13. The respective policies indicate that development proposals will only be permitted where the design, scale, mass and materials used complement and wherever possible enhance the character and appearance of the surrounding area.

When considering the scale and size of the proposed development careful consideration must be given to the development surroundings. The approximate height of the proposed development is 7.7 metres and would measure approximately 9.2 metres in length by 7.0 metres in width. The materials and fenestration of the proposed development are seen to all

complement and match that of the adjoining building and surrounding area which consists of random grey stone with yellow brick reveals. It is unclear to what roofing materials are to be used and therefore in order to safeguard the character of the area a suitably worded condition shall be attached to any granting of consent to secure the materials to be used in the construction of the building.

It is therefore considered subject to the attachment of a suitably worded condition that the proposed development fundamentally complies with policy GP1 and ENV13 of the Powys Unitary Development Plan (2010).

Highways

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Powys County Council's Highway Authority have been consulted on the proposed development and did not have any adverse comments to make with regards to the proposed development. It is evident that there is sufficient car parking spaces on site and within the near vicinity. It should also be noted that in line with TAN18 the development is located within close proximity of Builth Wells Town Centre and the main car park and therefore it is considered that there is ample parking opportunities available.

In light of the above the proposed development therefore complies with policy GP4 of the Powys Unitary Development Plan (2010).

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. It is noted that the residential dwellings likely to be affected by the proposed development are the properties to the south and east of the application site. The dwelling to the south known as the vicarage is approximately 12.8 metres in distance away from the proposed development, in line with the Powys Residential Design Guide when putting the 25° rule into practice there is a clearance of 0.3 metres and therefore considered that there would not be a detrimental impact upon the occupier of this property. Furthermore given the size of the adjoining dwelling at approximately 11.5 metres in height it is considered that the proposed building height of approximately 7.7 metres in height is unlikely to have an overbearing impact upon the amenities enjoyed by the occupiers of neighbouring properties.

It is therefore considered that the proposed development fundamentally complies with planning policy GP1 of the Powys Unitary Development Plan (2010).

Ecology

Policy ENV3 and ENV7 of the Powys UDP and TAN 5 seek to ensure that no development has a detrimental impact upon protected species and their natural habitats.

Powys County Council's Ecologist and Natural Resources Wales have been consulted on the proposed development. Powys County Council's Ecologist has confirmed following the submission of additional information that the proposed development would be acceptable subject to the attachment of appropriately worded conditions to ensure that protected species and their habitats are not detrimentally impacted upon.

It is therefore considered that the proposed development fundamentally complies with policy ENV7 and ENV3 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009).

Flood Zone

The proposed development is for the construction of two self-contained flats. All residential premises (including hotels and caravan parks) are considered as highly vulnerable development. Policy SP14 and TAN 15 specifically state that highly vulnerable development will not be permitted in a C2 flood zone.

Following consultation with NRW they have confirmed that they have no objection to the development. NRW have noted that the proposed extension is located within Flood Zone A, however, the access lies within a C2 Flood Zone. A Flood Consequence Assessment has been submitted in support of this application and NRW have utilised the advice contained within it. Therefore NRW have confirmed that the proposed development would be acceptable subject to the attachment of appropriately worded conditions to ensure that the finished floor levels are set at or above 127.23maOD to ensure the building is flood-free. NRW have also confirmed that the flood risk on the site access from North Road is within the limits regarded as tolerable in Table A1.15 of TAN15.

In light of the above it is therefore considered that subject to the attachment of appropriately worded conditions that the proposed development complies with relevant planning policy.

Contaminated Land

Powys County Council's Contaminated Land Officer has been consulted on the proposed development and has stated that the application site is located within 50 metres of a former landfill site. Therefore due to the potential landfill gas risks associated with the former landfill site a Potential Contaminated Land Informant will be attached to any granting of consent to advise the applicant appropriately in how to deal with potential contamination.

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

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

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: Location Plan, Block Plan, JH8, JH10, JH11, JH4, JH5 & JH9).
3. 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.

4. The finished floor level of the extension should be set at or above 127.23maOD to ensure the building is flood-free in all scenarios and remains outside zone C2.

5. Prior to the commencement of development a detailed method statement outlining how the Mitigation and Enhancement Measures identified in the Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017 will be adhered to shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter.

6. The development shall be carried out strictly in accordance with the compensation measures identified in the Biodiversity Enhancements Section of the Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 2017 and maintained thereafter.

7. The Protection Measures identified in the Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 2017 shall be adhered to and implemented in full.

8. Prior to the construction of the extension hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the extension 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 safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
4. In order that the Local Planning Authority can be satisfied that impact on neighbours and internal siting and gradients are acceptable in accordance with policies SP14, GP1 and GP4 of the Powys Unitary Development Plan.
5. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP Policies SP3, ENV2 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.
7. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

8. 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

Potential Contamination Informant

The application site is located within 50 metres of a former landfill site. Due to the potential landfill gas risks associated with the former landfill site the planning applicant is advised to adopt the same specification of gas mitigation measures as may currently be installed in the existing building or to undertake a ground gas risk assessment. Further advice is available from the Contaminated Land team at Powys County Council.

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

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

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.

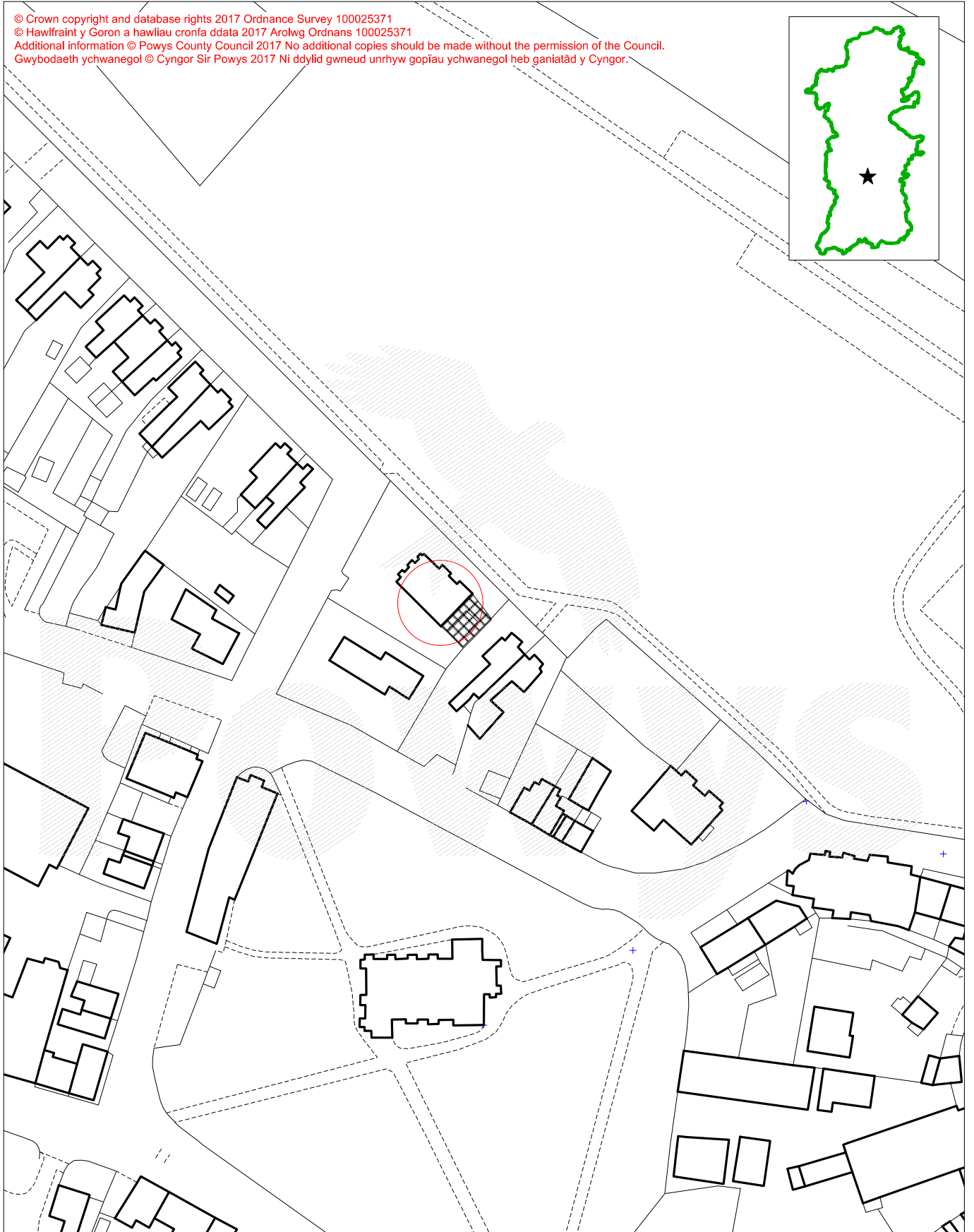
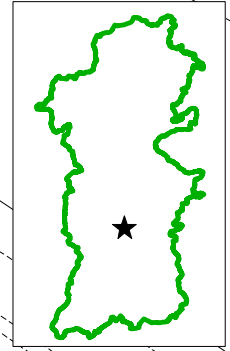
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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.

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

7.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0751	Grid Ref:	303807.21 251605.41
Community Council:	Llanelwedd	Valid Date:	Officer: 30/06/2017 Thomas Goodman
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 reason for Committee determination

The proposed development is located within a C2 flood zone and seeks consent for highly vulnerable development and is recommended for approval. The development is therefore a departure from the Powys Unitary Development Plan (2010).

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 east of the development site runs the A470 trunk road. To the east is a car sales building (sui generis) to the south and west is agricultural land with consent for temporary Royal Welsh Show (10 days per annum) for caravans.

Consent is sought in full for the change of use of land for a temporary caravan park for 10 days per annum each Royal Welsh Show to act as an extension to the existing park.

Consultee Response

Llanelwedd Community Council

No response received at the time of writing this report.

PCC - Highways

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.

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.

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

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

PCC - Environmental Health

Consultation response received 12/07/2017:

On the application form it states that drainage will be a septic tank, this tank is also shown on the plans. What relevance does this tank have to the application please.

Consultation response received 13/07/2017:

So in essence it's a chemical toilet facility for the caravans. That's ok just wasn't sure why it was highlighted.

I have no objection to the application

PCC - Ecologist

Thank you for consulting me with regards to planning application P/2017/0751 which concerns the full application for the 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 at field adjoining Old Creamery, Llanelwedd, Builth Wells, 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 change of use for proposed field. The data search identified 202 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are three statutory designated sites within 500m of the field which change of the use is proposed:

- Afon Irfon – SSSI
- River Wye (Upper Wye) – SSSI

- River Wye SAC

Having reviewed the location and nature of the proposed developments in relation to the designated sites SAC/SSSI it is considered that there is no potential for a Likely Significant Effect to the SAC/SSSI or its associated features and that a HRA would not be required.

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

The proposed change of use will not result in the loss of any features of ecological importance and it is considered the proposed change of use will not result in negative impacts to biodiversity in the wider area.

I therefore have no concerns regarding negative impacts to biodiversity and do not consider that any ecology surveys would be required to support a planning application for the proposed change of use of the field

If it is proposed to provide additional external lighting 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 given the close proximity to the tree-lined watercourse, namely the river wye to the south west of the field.

Consideration has been given to the proximity of the development to the watercourse present namely the River Wye. In considering the nature of the change of use it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant is reminded that any works undertaken on the said field should be 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/>

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

No external lighting shall be installed unless a detailed external lighting 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.

NRW - Flood

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 07/07/2017. NRW would not object to the proposals. Please find our detailed comments below.

Protected Sites

The proposal is in the vicinity of the following protected sites:

- River Wye Special Area of Conservation (SAC)
- River Wye (Tributaries) Site of Special Scientific Interest (SSSI)

The proposed temporary caravan site is located in a field 90meters away from the River Wye (upper Wye) SSSI and River Wye SAC.

The application site is separated from the River Wye by a field. This field has been used for RWS parking and camping in the past and there is no direct drainage route for contaminated water to enter the SAC river from this location. Due to the proximity of the site to the River Wye SAC it will be necessary for the local planning authority to assess the potential impact of this development as prescribed under the Conservation of Habitats and Species Regulations 2010 (as amended). NRW consider the below information to be most relevant to any assessment.

The application states that the foul water will go to a cesspit which will be emptied twice a day. NRW would recommend that the local authority confirm the cesspit is of an adequate size to be able to accommodate the volumes of effluent likely to be produced. Where applicable, operations should be in accordance with Pollution Prevention Guidelines (PPG) 4, with particular reference to Section 3.3 Cesspools. Any system should also be alarmed to prevent overflowing and protected from damage from onsite activity.

Protected Species

Otters are a feature of the River Wye SAC and NRW have records of otters and otter holts along the section of this river (280m away within the SAC and SSSI). NRW have records of bats (40m) of the proposed development. If the development does not involve the disturbance of any mature trees or hedges and lights are directed away from the River Wye, hedgerows and treelines then the scheme should not adversely affect the favourable conservation statuses of any protected species.

Flood Risk

The application site lies 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 to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, a designated main river.

TAN15 states that caravan sites are highly vulnerable and that they give rise to particular problems because of special risks to occupants at times of flooding. However, due to the temporary nature of the application (indicated to be a 10-day period of occupancy), we advise your Authority that a flood consequence assessment (FCA) is not required but the following advice should be strongly considered by your Authority.

A flood evacuation plan should be prepared and ready to implement in the event of flooding at the site. However, you should note that we are unable to provide you with advice 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. Your Authority, in consultation with other professional advisors, should be satisfied that plans and procedures are feasible and in place. As noted in Section 11.23 of TAN15, suitable warning notices should be erected on site informing the users of the potential risk and evacuation plans.

This site is within the NRW Flood Warning area for the River Wye at Builth Wells and the operators are advised to sign up to Floodline Warnings Direct (0345 988 1188 / <https://naturalresources.wales/flooding/flood-warning-service/?lang=en>).

NRW flood model data for the River Wye at Builth Wells is available which could be used to help inform the emergency plan (i.e. predicted flood depths, velocities). To obtain a copy of this data, please contact datadistribution@naturalresourceswales.gov.uk.

Works near watercourses

All works at the site must be carried out in accordance with GGP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available at the Gov.uk. website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport -

I refer to your consultation of 07/07/2017 regarding the above planning 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

Representations

Following the display of a site notice, no public representations have been received at the time of writing this report.

Planning History

PR74702 – Full: COU: land for temporary caravan park - Withdrawn

P/2014/0629 - Full: Change of use of land for temporary showtime caravan park for 10 days per annum each Royal Welsh Show week – Conditional Consent – 15/07/2014

P/2016/0463 - Change of use of land for temporary showtime caravan park for 10 days per annum each RWAS week and increase in touring caravans from 11 to 132 – Application Withdrawn

P/2008/0341 - Full: Proposed stone road to aid access across car park (SO 05 SW) – Conditional Consent – 14/05/2008

PR321103 – Change of use of fields to vehicle parking for 365 days per year and the siting of caravans for 10 days per year during the Society's Annual Show - Withdrawn

PR321104 – Full: Construction of Stone Roadways and improvements to 1 entrance – Withdrawn.

Principal Planning Constraints

C2 Flood Zone

Principal Planning Policies

National planning policy

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 planning 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
TR2 – Tourist Attractions
TR6 – Holiday Static Caravan Sites
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

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 TR7 of the Powys Unitary Development Plan (2010) refers to proposals for new touring caravan and camping sites or for extensions to existing sites will be permitted where they comply with the following criteria:

1. The site should be located within 1 kilometre of suitable roads, which will be strategic, primary, or distributor roads.
2. Safe access would be available.
3. The site could be unobtrusively assimilated into the landscape and screened from the public highway.
4. The site should not be used for the permanent siting of caravans or permanent residential use and a seasonal occupancy condition will therefore be attached to any planning permission.

The development site is accessed directly from the A470 trunk road. Powys County Council's and the Welsh Government Trunk Road Agency have confirmed that the proposed development would be acceptable and this will be covered in more detail within the Highway Safety section of the report. It is noted that the proposed development is for a temporary period only (10 days) and is for the period of the Royal Welsh Agricultural Show, it is considered that the development would not have a detrimental impact upon the landscape and this will be addressed in more detail within the Character and Appearance section of the report. As per policy TR7 should planning permission be granted an appropriately worded condition will be imposed to secure that the development site is not used for the permanent siting of caravans or permanent residential use.

In light of the above and subject to the below it is considered that the proposed development fundamentally complies with the Powys Unitary Development Plan (2010).

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 Welsh Government Trunk Road Agency have also been consulted on the proposed development and have stated that they do not wish to issue a holding objection. It is noted that due to the short term temporary nature of the proposed development that the access that is currently present would be suitable for the period of this development. It is also considered that there is adequate car parking and turning provision on site.

In light of the above it is therefore considered that the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Character and Appearance

Policies ENV2, TR1 and TR7 of the Powys Unitary Development Plan seek to safeguard the quality and character of the Powys landscape. Whilst it is noted that the proposed development is not located within a conspicuous location, the temporary nature of the proposed caravan touring site and the neighbouring land uses during the Royal Welsh Agricultural Show period, it is considered that the proposed development will not have an unacceptable adverse impact upon the character and appearance of the surrounding area. An appropriately worded condition will be attached to any granting of consent to limit the period of stay to 10 continuous days in any calendar year thereby controlling potential impact upon the character and appearance of the Powys landscape.

Subject to the above, Development Management is satisfied that the proposed development is in accordance with Powys UDP policies ENV2, TR1 and TR7.

Flooding

Policy SP14 of the Powys UDP refers to development in flood risk areas. The proposed 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 development. NRW have noted that the application site lies within the C2 flood zone as defined by the Development Advice Map (DAM) within TAN 15. However, due to the temporary nature of the application (10 day period) NRW have confirmed that a Flood Consequence Assessment is not required. It is noted that the site is within the NRW Flood Warning area for the River Wye at Builth Wells and NRW have advised that the operators are signed up to the Floodline Warnings Direct.

In light of the above and confirmation from NRW, that a FCA would not be required in this instance due to the temporary nature of the proposed development site it is considered that the proposed development fundamentally complies with policy SP14 of the Powys UDP and TAN15.

Biodiversity

Policy ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seeks to ensure that protected species and their habitats are safeguarded and enhanced wherever possible. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist has reviewed the proposed plans as well as local records and completed a data search. The data search identified 202 records of protected and priority species within 500m of the development site and acknowledged that no records were identified for the site itself. The Ecologist has also noted that there are 3 statutory designated sites within 500m which are the SSSI (Afon Irfon), The River Wye SSSI and the River Wye SAC. The Ecologist has confirmed that there is no potential for a likely significant effect to the SAC/SSSI or its associated features and therefore a HRA would not be required. The change of use will not result in the loss of any features of ecological importance and it is considered that the proposed change of use will not result in negative impacts to biodiversity in the wider area. The Ecologist has stated that should additional external lighting be proposed careful consideration will need to be given to nocturnal wildlife commuting and foraging in the area and therefore an appropriately worded condition will be attached to any granting of consent.

In light of the above and subject to an appropriately worded condition it is considered that the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) and TAN 5.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

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: Site Location Plan).
3. No external lighting shall be installed unless a detailed external lighting 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.
4. The temporary caravans hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The temporary caravans hereby approved shall only be sited for 10 continuous days of the year each year during the Royal Welsh Agricultural Show Period.

Reasons

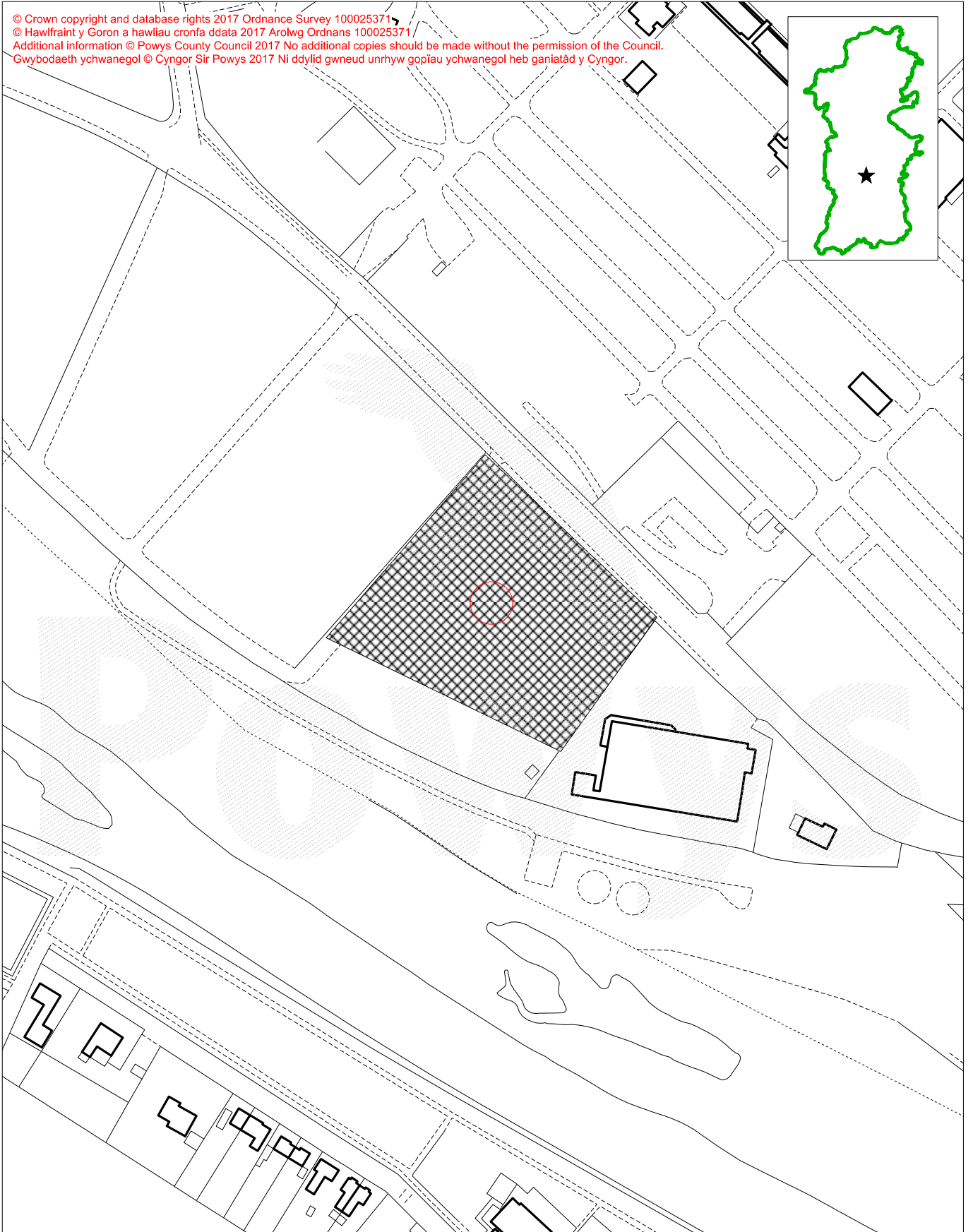
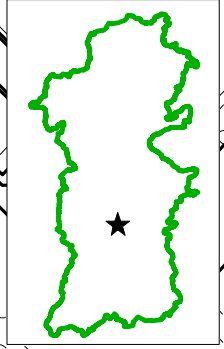
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural 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.

4. In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency, in accordance with Planning Policy Wales (2016).

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

7.10

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0345	Grid Ref:	299113.11 264499.04
Community Council:	Nantmel	Valid Date:	Officer: 29/03/2017 Thomas Goodman
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 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 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 west of the application site runs the C1213, to the north east are a row of detached dwellings and to the south west is another residential dwelling and the St Mark's Church.

Outline consent is sought for the erection of 2 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

Nantmel CC

No objections were made.

Highways Dept south

The County Council as Highway Authority for the County Class III Highway, C1213

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority recommends that the following conditions be attached to any consent granted.

HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access roads 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 113 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 accesses to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5m 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 dwellings, 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.

HC21 Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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.

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 private treatment works 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.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Please ensure easement of 8m is maintained, 4m either side of the centre of the main. 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

Environmental Health

Consultation response received 24/04/2017:

Regards the outline planning for the development (reference above) I have looked through the information supplied and would firstly recommended that during the landscaping and construction period working hours and delivery times be restricted as follows:

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.

Additionally further information would need to be supplied to Environmental Health regards the foul drainage scheme that the client intends to use at the development.

Where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

Consultation response received 03/05/2017:

Having looked at the information supplied for the above application, I would advised that as there is two waste water treatment plants on the plans serving two separate drainage field there should be two percolation test done. Only one percolation test has been supplied .

I would also require to see the test holes . If the test holes have been closed they will need to be opened so I can make observations.

Consultation response received 06/06/2017:

I have made a check on the test holes at Nantglas Farm, Nantglas, Llandrindod Wells, Powys, LD1 6PD.

There is an issues I found with the drainage of the test holes during my visit. I currently am not satisfied that the ground would be suitable enough to take the proposed packaged treatment plants proposed. I have subsequently spoken to Gareth Price and he is going to go back to the applicant with the aim of finding a solution.

Consultation response received 10/07/2017:

Apologies for the late reply, we were a staff member down last week . I have now had chance to have a look at the proposed amendments to the scheme in the above planning application. I also have spoken to the councils Land Drainage Officer who offered advise regards the above application.

Advice given indicates that the proposed location for the discharge of the package treatment plants does not have a flow to a watercourse which would mean it is inadequate for the purpose of the drainage scheme proposed.

In its current form I would not be able to support the scheme unless evidence is provided that the discharge point (ditch) does flow to a water coarse or an alternative method is used for the discharge from the package treatment plant?

Consultation response received 14/07/2017:

I can now confirm I am satisfied with the drainage provisions for the above planning application.

Having had a meeting with Simon Crowther (Land Drainage Officer – Powys County Council) present, we checked the exit point on the proposed clay land drainage pipe and there was a flow or water.

The land drainage pipe is a solid type pipe which exits into a land drainage ditch.

Checks also made at the end of this ditch for the flow from the applicants land into a channel which goes to Nant Glas brook and this also had a good flow of water.

Natural Resources Wales advice should be sort also to confirm they are happy for a packaged treatment plant to exit into the land drainage ditch prior to go to the nearby brook.

Representations

Following the display of a site notice, no public representations have been received at the time of writing this report.

Planning History

R4153 - Outline for dwelling and septic tank - Refused 5.6.90

Principal Planning Constraints

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 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

DC8 – Public Water Supply

DC9 – Protection of Water Resources

DC11 – Non-mains Sewage Treatment

DC13 – Surface Water Drainage

TR2 – Tourist Attractions

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 lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 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.

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 two dwellings in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

There are limited facilities within the village such as outdoor recreation and St Marks Church. Officers acknowledge that the proposal will provide housing within an existing village setting which is located within reasonable proximity of larger settlements such as Rhayader (approximately 4.5 miles), Crossgates (approximately 6.6 miles) and Llandrindod Wells (approximately 6.7 miles). It is considered that this development would integrate into the existing village setting by being located between St Marks Church, Church Farm and the residential dwelling known as School House. Nant-Glas is defined as a small village within the Powys UDP.

In light of the site proximity to area centres and the limited scale of the development, Officers consider the proposed scheme is on balance appropriate in relation to sustainability.

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 two new accesses off the C1213. The Highway Authority has been consulted and has recommended several highway conditions to be attached to any grant of planning permission. Subject to the imposition of the recommended conditions, it is considered that adequate highway provision can be secured in terms of an acceptable access, visibility splays and access. Officers therefore consider it unlikely that the proposed development would have a detrimental impact upon highway safety, access and parking.

It is therefore considered that the proposed development complies with planning policy GP4 of the Powys Unitary Development Plan.

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 two dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development in terms of noise and foul drainage from the development site. The Environmental Health Officer has requested that the landscaping and construction period working hours and delivery times be restricted in order to protect the neighbouring properties in line with policy GP1 of the Powys UDP.

Additionally the Environmental Health Officer initially requested further information in regards to the foul drainage scheme. Percolation tests including calculations were required in order to

demonstrate that the proposed method of drainage has sufficient size and that ground conditions are suitable for the foul drainage soakaway. Following additional information submitted the Officer requested that details were submitted to demonstrate that there is a discharge point that connects to a water course. This information has been submitted and the Officer has confirmed that they are satisfied with the drainage provisions and confirmed that the exit point on the proposed clay land drainage pipe which leads to a drainage ditch had a flow of water which channelled into the Nant Glas brook which also had a good flow of water.

All septic tanks and small sewage treatment plant discharges in Wales will need to be registered with NRW and will require a separate consent to be obtained from NRW for the sewage discharge to a watercourse.

In light of the above the proposed development subject to the attachment of appropriately worded conditions complies with policies GP1 and DC11 of the Powys Unitary Development Plan (2010).

Affordable Housing

Given the scale of the development (two houses and 0.2 hectares) it is considered that Unitary Development Plan policies do not enable affordable housing to be secured as the site is less than 0.3 hectares and under 5 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.

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 within an existing village is considered on 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: 4669/1A & 4669/2A).
5. Any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
6. The gradient of the access shall not exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access.
7. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.
8. No other development shall commence until the access 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 113 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 areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

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

10. Prior to the occupation of the dwellings, 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 areas shall be retained thereafter and the turning areas shall be maintained at all times free from obstruction.

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 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in a forward gear.

12. Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway.

13. 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.

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

15. 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.

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.

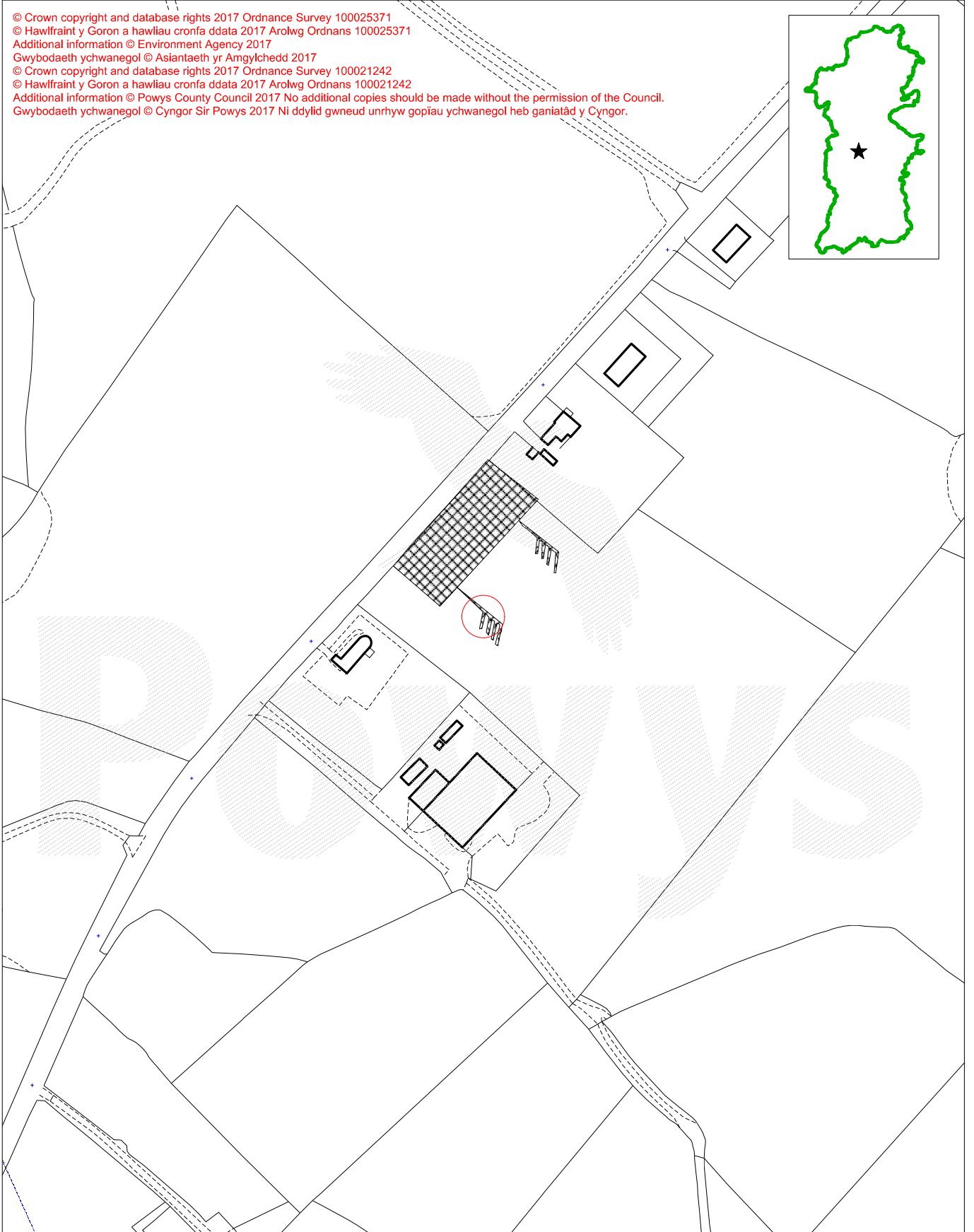
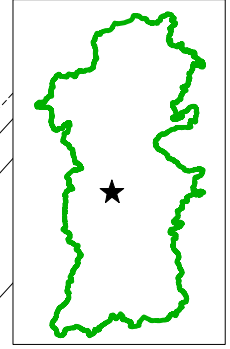
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

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.
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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. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

Case Officer: Thomas Goodman- Planning Officer
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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

Application No:	P/2017/0368	Grid Ref:	302041.71 293811.08
Community Council:	Caersws	Valid Date:	Officer: 04/05/2017 Eddie Hrustanovic
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		

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 subject to this application is located adjacent to the Llanwnog development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside. Powys UDP notes that Llanwnog is situated along the B4568 to the north of Caersws. It is a small but attractive settlement, which has grown up around St. Gwynog's Church, with limited community services and facilities. Llanwnog has therefore been classified as a Small Village.

The site is located adjacent to Church House Farm (a recently converted residential properties and disused former agricultural building) located on westerly side of the village. To the north of the site the site is bounded by agricultural fields and a graveyard, B4568 county highway to the south, former barn complex to the east. The centre of the village is designated as a Conservation Area. Llanwnog is approximately 2 miles north of Caersws, 7 miles from Newtown and 10 miles from Llanidloes.

Consent is sought in outline for the construction of up to 5 dwellings, including a provision of a single affordable dwelling (4 open market + 1 affordable unit). It is important to note that original submission indicated 6 detached dwellings in linear form, however this scheme was revised on the advice of the Officers, as the design was not considered acceptable bearing in mind the form of the village and impact upon adjacent conservation area.

The scheme has been revised to include a build form to resemble a main farmhouse located around a central courtyard and surrounding barn style dwellings. The revised scheme comprises of two semi-detached barn style dwellings to plots 1 & 2 (one plot being an affordable dwelling) and two private detached barn style dwellings to plots 3 & 5, together

with a private farmhouse dwelling to plot 4. The scheme will utilise the existing entrance road into the site that already provides access to the previously converted barns, now residential dwellings.

Consultee Response

Caersws CC

In regards to the above planning application please see the below comments made by Caersws Community Council:

- There is an issue of there being a pinch point where traffic will be funnelled at busy times.
- There should be a 30mph speed limit in this area for this planning to go ahead.

PCC Highways

I refer to the amended plans relating to the above site and have the following comments to make.

A Traffic Regulation Order is required to amend the speed limit in direct relation to this site. The agent is aware and is in agreement that the cost of this will be borne by the developer. We therefore recommend that a Section 106 Agreement is entered into by the applicant to pay for the reasonable costs associated with the advertisement and implementation of a Traffic Regulation Order.

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.

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.

In the interests of highway safety.

PCC Building Control

Building regulations will be required

Wales and West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

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

PCC Environmental Health

I note that the applicant is intending to connect sewage from the site to the main sewer, subject to this being the case I raise no objection

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/0368 which concerns the outline application for proposed residential development of up to 5 dwellings, formation of vehicular access and access road and all associated works (all matters reserved) at Land adjacent to Church House Farm, Llanwnog, Caersws.

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 11 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 poor semi-improved grassland which is considered a habitat of low ecological value.

Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appear that sections of the hedgerow (young hedgerow) on the northern boundary will be removed to accommodate the proposed development.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

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

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

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

Wildlife Sensitive Lighting Plan

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.

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.

Biodiversity Enhancement

As the application is an outline application further details will be submitted at a later date as reserved matter, consideration could 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.

In addition I recommend inclusion of the following informative:

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.

PCC Heritage Officer

Thank you for consulting me on the amendments to the above application.

Registered Landscape

The Caersws Basin within the Llanwnnog Character area.

Listed Buildings

Church of St Gwynog Cadw ID 7580 included on the statutory list on 10 March 1953

Telephone Call Box Cadw ID 17555 included on the statutory list on 05 November 1996

Gwyneira with attached farm buildings included on the statutory list on 05 November 1996

The site is adjacent to a number of items included in the Historic Environment Record

PRN84126 Llanwnnog Ridge and Furrow

PRN 78804 Church House Farm

PRN 37495 Llanwnnog Mill

PRN 15730 Llanwnnog

PRN 7554 Llanwnnog Churchyard

PRN 7553 St Gwynog Church

PRN 16403 Llanwnnog Church

PRN 17693 Llanwnnog Church Bells

The site is adjacent to the Llanwnnog Conservation Area.

I note that the application is still in outline, however the indicative layout has been changed and the design justification has provided a detailed description of the intended design rationale.

Paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 which states that there “ should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.....”. The proposed design is of a rural

character being barn like in scale and layout, albeit at outline stage and the details of the design have not been fully provided.

Llanwnog is a small settlement that is a designated conservation area and included in the Historic Environment Records is an historic settlement identified by CPAT in their Historic Settlements report as the centre of an ecclesiastical parish that included Caersws. The settlement is described as having houses grouped around the church (including 2 houses incorporated into the southern half of the churchyard) and the Vicarage and one cottage as outliers.

(source <http://www.cpat.org.uk/ycom/mont/llanwnog.pdf>)

The application site is adjacent to Church House Farm which lies within the conservation area. The development is to the north of the B4568 and is current agricultural land separated from the village by Church House Farm and is rural in character. The settlement has the appearance of being clustered around the church with the application site having the appearance of being immediately outside the village. The concentration of development around the church is not by accident the centre of the settlement often concentrating around the church.

The revised layout reflects the rural character of the area by replicating agricultural buildings in their layout and scale. The application is made in outline and a full application would have been preferable to consider the details, however the design justification indicates that design rationale that is being proposed.

I would refer to paragraph 6.5.21 of PPW which advises that “Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.”

TAN24 which came into effect on 31 May also in paragraph 1.23 confirms that “Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets.”

I would also refer to Planning Policy Wales 9th edition 2016 paragraph 4.11.10, which advises that “In areas recognised for their landscape, townscape or historic value, such as National Parks, Areas of Outstanding Natural Beauty and conservation areas, and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness. In those areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important. The impact of development on listed buildings should be given particular attention.”

National Guidance does not prevent development within or adjoining conservation areas, nor does the Powys Unitary Development Plan. However both Local Plan Policy ENV11 and advice within PPW and the more recent TAN24 emphasises the importance of conservation

areas and their setting and the duty of the Local Planning Authority under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character or appearance of the conservation area.

It is considered that the revised plans illustrate how the character and appearance of the area can be respected and even reinforced by the proposed development.

Should the principle of development in this location be considered appropriate in all other respects, I can confirm that I would not have an objection to the proposal as revised in respect of the setting of the Llanwnog Conservation Area.

Representations

The application was advertised through the erection of a site notice and press advertisement and no 3rd party representations have been received in respect of the proposed development.

Planning History

None

Principal Planning Constraints

- Open Countryside
- Conservation area

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2013)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside

UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV11 - Development in Conservation Areas
UDP ENV12 - Permitted Development in Conservation Areas
UDP ENV13 - Demolition in Conservation Areas
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP 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

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.

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.

Housing land supply

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.

Sustainable location

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llanwnnog (defined as a Small Village within the UDP). Although the village lacks of basic services, however given its proximity to Caersws (approximately 2 miles away), Development Management considers that future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services. It is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable Housing

The outline submission indicates a mixture of dwellings; however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. The current submission indicates provision of a single affordable dwelling. Therefore, on this basis, it is considered that the proposed level of affordable housing (single unit) is acceptable and a condition should be attached to require the submission of a scheme for the provision of affordable housing.

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.

The site is relatively flat in nature and the proposed plan includes a build form to resemble a main farmhouse located around a central courtyard and surrounding barn style dwellings. The revised scheme comprises of two semi-detached barn style dwellings to plots 1 & 2 (one plot being an affordable dwelling) and two private detached barn style dwellings to plots 3 & 5, together with a private farmhouse dwelling to plot 4.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

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. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is bounded by agricultural fields to the north and west, while on its east elevation the site is adjacent to the agricultural building which will be removed as it is no longer in agricultural use and it is in poor state of repair. As the building is no longer in agricultural use Environmental health did not raise any issues of potential negative affect in this instance. The nearest properties to the site are noted to be Barn Cottage, Stable Cottage, Dairy Cottage and Granary Cottage (all previously converted barns) which are located south east of the proposed site and approximately 30-55 metres respectively. While the property known as Rosedale is located south of the development site approximately 30 metres with intervening road (B4568) between.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to plot A, C and E of the proposed site to the nearest identified properties, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

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

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The scheme will utilise the existing entrance road into the site that already provides access to the previously converted barns, now residential dwellings.

Powys Highways Authority notes that Traffic Regulation Order is required to amend the speed limit in direct relation to this site, and this is also requested by the Community Council.

The Officers note that the agent is aware and is in agreement that the cost of this will be borne by the developer. We therefore recommend that a Section 106 Agreement is entered into by the applicant to pay for the reasonable costs associated with the advertisement and implementation of a Traffic Regulation Order. In this instance Development Management considers that a suitable worded condition could be placed on the decision notice to secure the provision of Traffic Regulation Order.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements furthermore the village will greatly benefit of reduced speed limit via implementation of a Traffic Regulation Order. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

Conservation Area

Policy ENV11 of the Powys UDP states that proposals for development within or adjoining a conservation area should be of high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed.

The Heritage Officer notes that the application site is adjacent to Church House Farm which lies within the conservation area. The settlement has the appearance of being clustered around the church with the application site having the appearance of being immediately outside the village. The concentration of development around the church is not by accident the centre of the settlement often concentrating around the church.

The Officers note that the revised layout reflects the rural character of the area by replicating agricultural buildings in their layout and scale. The application is made in outline and a full application would have been preferable to consider the details, however the design justification indicates that design rationale that is being proposed. It is therefore considered that the revised plans illustrate how the character and appearance of the area can be respected and even reinforced by the proposed development and as such the Heritage Officer confirms that there are no objections to the scheme.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy ENV11 of the Powys UDP in respect of Conservation Area.

Foul drainage

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

Impact upon nature conservation

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 the proposal would affect nature conservation interests. Landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3. Furthermore the County Ecologist did not raise any concerns with the scheme and have suggested a number of safeguarding conditions to be attached to the decision notice if application is approved.

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. Llanwnog which falls under Caersws Community has not been identified as one of the settlements under policy GP5.

Community: Caersws

Able to speak Welsh

Age	2011 %	2001 %	2011 Number	2001 Number
3+:	21.2	21.6	324	324
3-15:	43.4	36.6	86	94
16-64:	18	17.5	177	166
65+:	17.5	22.1	61	64

However the amended scheme proposes 1 affordable unit, this provision represents 20% of the overall development and is in keeping with the Viability Study for providing Affordable Housing in Powys (August 2016). It is considered that the provision of affordable dwelling 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.

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 local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

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

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, which is considered an appropriate level of affordable homes for the proposal, it is concluded

that the development would assist in contributing to the well-being of the Welsh language in Powys.

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

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

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

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

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

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

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/RC-JOB59-03).
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. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

9. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

10. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

11. 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.

12. 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.

13. No development shall commence until a Traffic Regulation Order has been secured by the developer to introduce a reduced speed limit along the B4568, to the written satisfaction of the local planning authority. The order must be implemented together with any associated work required by the Order prior to the written satisfaction of the local planning authority prior to the commencement of any development within the application site.

14. 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.

15. A detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted at the same time as reserved matters application and implemented as approved and maintained thereafter unless.

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 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 the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

7. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

9. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

10. To ensure that the development is provided with a satisfactory means of drainage

as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

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. 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.

15. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of 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:

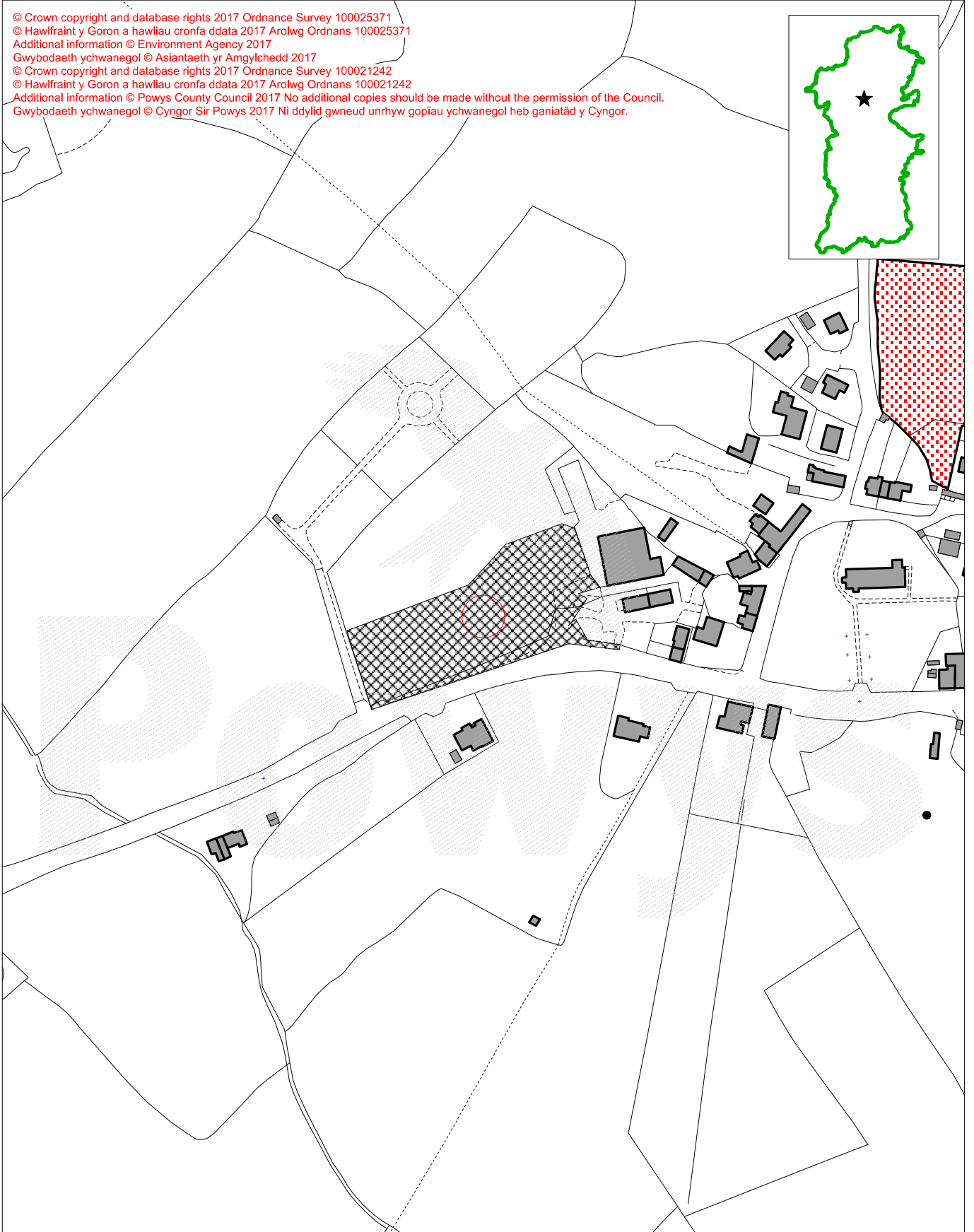
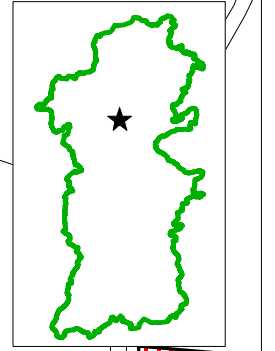
- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 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.

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

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0654

Grid Ref: 327651.95
293901.65

Community Council: Churchstoke

Valid Date: 12/06/2017
Officer: Rachel Mulholland

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.

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 mostly within the settlement development boundary of Churchstoke as defined by the Powys Unitary Development Plan (2010) with the rear section of the plots falling outside of the boundary. The application site is located approximately 130 metres southeast from the main centre of Churchstoke and 160 metres to the west of the supermarket area. The site is to be accessed via an existing adopted lay by road from the A489. The nearest neighbouring residential properties are located approximately 6 metres to the east and 37 metres to the west. The site has agricultural buildings to the west and agricultural fields to the south.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of three dwellings with detached car ports, formation of vehicular access and associated works. This outline application is made with all matters except access reserved. An indicative layout of the site and scale of the proposed dwellings are given.

Consultee Response

Churchstoke Community Council

Correspondence received 29th June 2017

CCC objects to the application for reasons as follows:

- a) It is proposed to have 3 separate entrances from the highway lay-by to the site which would limit the use of the well-used lay-by

- b) The proposal for 3 dwellings appears to be on over-development of the site
- c) The public footpath which crosses the site should be protected or re-routed through proper procedure
- d) The applicant's justification for the application on grounds of housing need is misleading, as there is already over-provision of housing plots against actual take-up in the village (many of which are with the applicant's family)
- e) The statement that no trees are to be felled is misleading as one large very old Oak tree has already been felled in recent weeks to make way for the development
- f) The south part of the site is outside the development areas set out in the UDP

PCC - Highways

Correspondence received 9th August 2017

The county Council as Highway Authority for the County Class I Highway, A489
Wish the following recommendations/observations be applied

Recommendations/observations:

Prior to any other works commencing on the development site, detailed engineering drawings for a 2 metre wide footway and controlled crossing point along the Class I A489 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.

HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

In the interests of highway safety.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC6 Prior to the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the A489 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of

250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of 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 any constructions works on any plot provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 3 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of any dwelling the areas of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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.

PCC – Environmental Health

Correspondence received 23rd 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 6th July 2017

Thank you for consulting me with regards to planning application P/2017/0654 which concerns the outline application for the erection of 3 detached properties, including detached carports, formation of vehicular access and associated works (some matters reserved) at Land at The Firs, Churchstoke, Montgomery

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

The data search identified 63 record of protected and priority species within 500m of the proposed development, no records were for the site itself.

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

The proposed development appears to be impacting an area of land which was of improved grassland which is habitat of low ecological value. It appears from the site visit photos that recently a number of outbuildings have been demolished/taken down and the proposed development site now consists of ‘bare ground’.

Given the proposed developments would have involved the demolition of the outbuilding at the proposed development site consideration would have been given to the potential for this structures to support roosting bats (European Protected Species) and nesting birds. It is considered that there is a reasonable likelihood of bat roosts being present given the construction of the previous outbuildings, proximity of trees, hedgerows and watercourse surrounding the property. Therefore it is considered that the demolition of the previous outbuildings may have resulted in the loss of features or habitat suitable for use by roosting bats and nesting birds.

As the demolition of the outbuildings have already taken place assessment of the potential impact of the demolition of the outbuildings on roosting bats or nesting birds cannot be effectively surveyed.

It is then suggested that any potential loss/damage/disturbance of structures potentially used by bat for roosting purposes or birds for nesting be compensated by provisions of bat

boxes and bird boxes. Details of the type and location of the bat or bird boxes used will need to be clearly illustrated on the architectural plans submitted.

From viewing street view images as well as the photographs that were taken during the site visit it appears that a mature tree has been felled and potentially sections of hedgerow removed. Mature trees and hedgerows being important habitat features for a number of protected species including roosting bats and nesting birds.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

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

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

As such I recommend that a Tree and Hedgerow Replacement and Protection Scheme is secured through an appropriately worded condition, where it is necessary to remove any trees or hedgerow this plan will need to identify appropriate compensation planting for the loss of these features to maintain the important foraging or commuting features – 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 submitted plans suggest that there are rear gardens proposed - If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

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. 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 condition:

Prior to commencement of development a Tree and Hedgerow Replacement and Protection Scheme 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 commencement of development, a detailed Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and 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.

Cadw

Correspondence received 30th June 2017

Thank you for your letter of 15 June 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservations areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance.

PPW explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Clwyd-Powys Archaeological Trust

Correspondence received 19th June 2017

Thank you for the consultation on this application.

I write to confirm that there are no archaeological impacts arising from the proposed development at this location.

PCC – Rights of Way

Correspondence received 17th July 2017

Public footpath 65 would be directly affected by the above planning proposal. We have been contacted by the applicant for advice and the proposed plans clearly show an intention to divert the footpath.

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>

Public Response

Following display of a site notice on 30/08/2017 and publicity in the local press on 23/06/2017 and 09/09/2017 no written representations have been received.

Planning History

None.

Principal Planning Constraints

Public Right of Way
Historic Landscapes Register

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 – Economic Development (2014)
Technical Advice Note (TAN) 24 – The Historic Environment (2017)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

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
 RL6 – Rights of Way and Access to the Countryside
 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 partly within and partly outside of the settlement development boundary of Churchstoke as 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 as three open market dwellings are proposed. 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 mainly contained within the settlement boundary of Churchstoke with the rear of the plots lying outside of the boundary. Churchstoke is identified in the UDP as a key settlement and is served by a range of community services and facilities including a primary school, community centre, public houses, a supermarket, post office and garage. It is also identified in the UDP as having the capacity to accommodate additional development. Churchstoke is easily accessible by public transport with regular bus services.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the proposed dwellings are to be detached two storey properties with three bedrooms each.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 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 proposed dwelling to the east would be located approximately 6 metres distant from the nearest neighbouring residential property known as The Firs. Although this is a relatively short distance the properties are staggered and, therefore, not directly adjacent, with the neighbouring driveway and a boundary hedge between. The proposed dwelling to the west would be located approximately 37 metres distant from the nearest neighbouring dwelling to the northwest. It is, therefore, considered that there is sufficient distance between the existing properties and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of these neighbouring properties.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the planting of additional trees and hedgerow as well as the relocation of part of the existing hedgerow to create access points and to provide road visibility improvements. 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 adjacent to existing dwellings within the area, that landscaping measures would reduce the visual impact and the proposed scale of one dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2058 via an existing access.

The Highway Authority has been consulted on this application and have raised no objections to the development but have suggested a number of conditions which are listed above. It is noted that the Community Council has raised concerns over the proposal for three separate entrances from the highway layby; however, the Highway Authority has raised no concerns over this issue or any resultant impact on highway safety.

In light of the Highway Officer's comments, and subject to the suggested conditions, it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

No ecological information has been submitted with the application; however, the Powys Ecologist has been consulted on the development and has provided the above comments. No objection has been raised to the scheme subject to the inclusion of conditions securing the submission of a Tree and Hedgerow Protection Plan, a detailed lighting design scheme and a detailed landscaping scheme.

It is noted that landscaping is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting and hedgerow protection, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Rights of Way

UDP Policy RL6 and the Countryside and Rights of Way Act (2000) seek to ensure the protection of the existing rights of way network. The proposed development does directly impact on an existing public footpath; however, the developer has indicated an intention to divert the footpath. The Powys Rights of Way Officer has been consulted on the proposal

and has raised no objections and has confirmed the process by which the developer must proceed to obtain a diversion order. The community Council has also iterated that the public footpath should be protected or rerouted through the proper procedure. An informative has been added to this effect.

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. It is, therefore, considered that the proposal 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 Welshpool has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Churchstoke Ward reported that 4.3% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 7.2% of the population of Churchstoke spoke Welsh. Considering the size of the settlement 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

The Community Council has raised a number of concerns over the development including on the matters of highways and rights of way 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 properties proposed for the site. It is stated that Churchstoke 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 Churchstoke has the capacity to accommodate additional development. It is also considered, after assessment of the proposals, that the application site is capable of accommodating 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/GD-JOB18-01 and RPP/GD-JOB18-03)
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 2 metre wide footway and controlled crossing point along the Class I A489 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.
8. Prior to the occupation of any dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
9. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
10. Prior to the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the A489 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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 5.5 metres from the edge of the adjoining carriageway.
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 any constructions works on any plot provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
14. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 3 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
15. Prior to the occupation of any dwelling the areas of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
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 10 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
18. No storm water drainage from the site shall be allowed to discharge onto the county highway.
19. 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.
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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. 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.

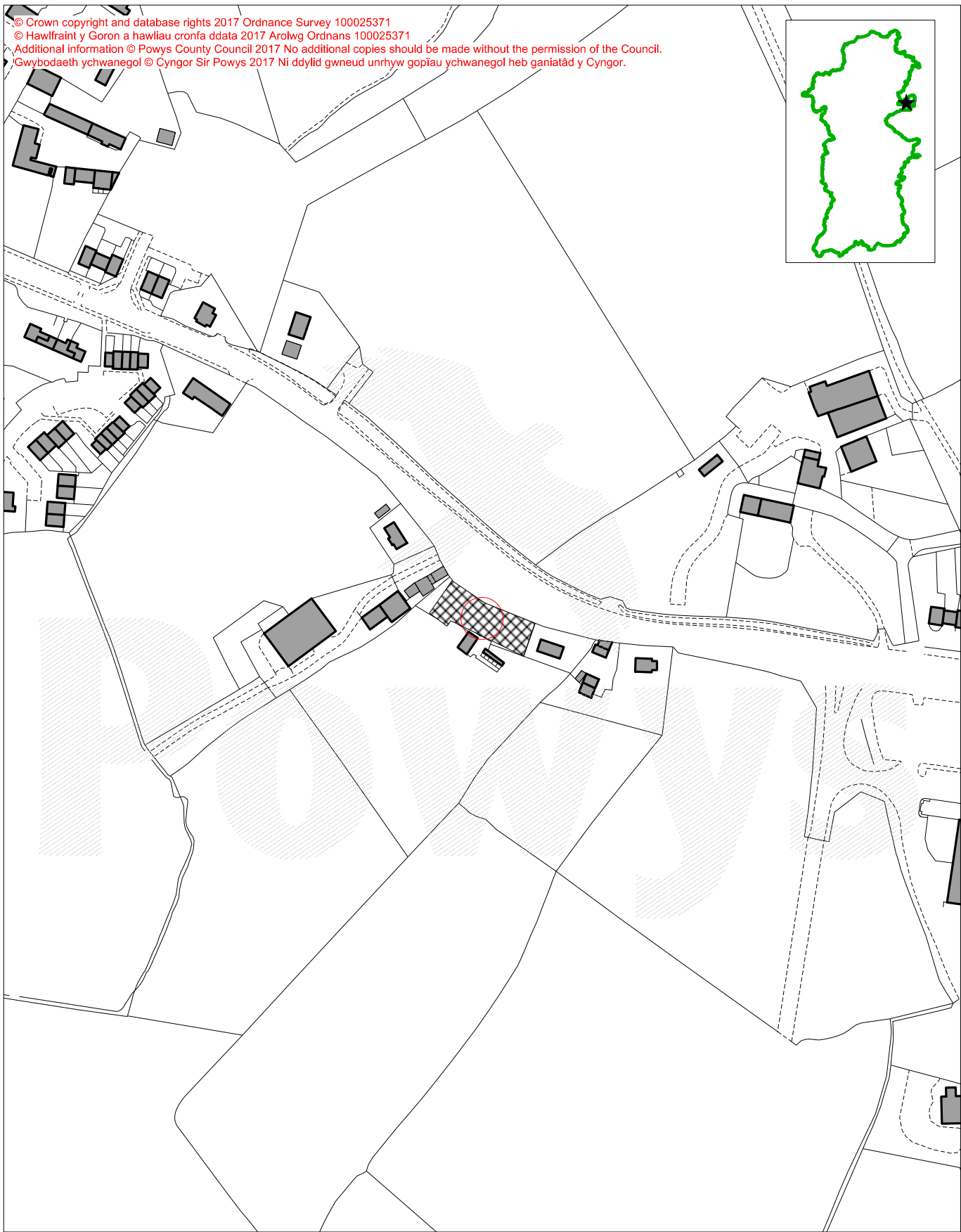
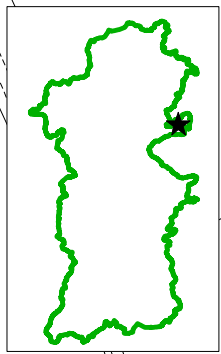
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has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

Rights of Way

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed and confirmed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

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AH.

Tudalen 300

7.13

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0898	Grid Ref:	305895.32 261864.02
Community Council:	Llandrindod Wells	Valid Date:	Officer: 04/08/2017 Tamsin Law
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		

The reason for Committee determination

The application has been submitted by Powys County Council.

Site Location and Description

The application site is located within the settlement development limits of Llandrindod Wells as defined by the Powys Unitary Development Plan (UDP). The proposed development is located on a site allocated for employment use within the UDP.

The application site comprises a household recycling centre and is bound to the north, east and west by the existing highways network and to the south by an existing building currently being used as an ATS Euromaster.

The application seeks a variation of condition 2 of the original consent for the recycling centre to allow for a 3 metre high fence to be erected along the boundary of the site to reduce the visual and noise impact of the site from surrounding properties and to provide additional security. The fence will be completed in composite panel boards finished in brown.

Consultee Response

Llandrindod Wells TC

I am receipt of the above new planning application.

Unfortunately my Council will not meet until 19th September 2017.

Please can I extend the consultation period until 20th September 2017 to enable my Council to comment as a statutory consultee.

I await your confirmation.

Powys Highways

Does not wish to comment on the application.

Powys Building Control

No comments received by Development Management at the time of writing this report.

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.

Welsh Water

No comments received by Development Management at the time of writing this report.

Local Councillor

No comments received by Development Management at the time of writing this report.

Powys Environmental Health

No comments received by Development Management at the time of writing this report.

Powys Contaminated Land

In relation to Planning Application P/2017/0898, there would be no requirements in respect of land contamination.

Powys Land Drainage

No comments received by Development Management at the time of writing this report.

NRW

1st Response

Would it be possible to request an extension on the following consultation please?

There's quite a few of my colleagues off on annual leave during the school holidays.

P/2017/0898 - Household Waste Recycling Centre, Waterloo Rd Ind Est

Would it be acceptable to have 7 days extension from the date the response is due back ie 11th September 2017.

If you have any consultations that need urgent responses and cannot wait until the above date please can you respond to North.Planning@naturalresourceswales.gov.uk and we will prioritise.

2nd Response

Apologies, I know we've requested an extension of time to reply for this application.

Would a response by the end of next week be acceptable?

The environment officer I need to speak to is on leave until the 13th and I would appreciate their input.

3rd Response

Thank you for consulting NRW regarding the above application.

NRW have no objection to the variation of condition no 2.

Representations

The application was advertised through the erection of a site notice. No representations or objections have been received.

Planning History

RAD/2007/0520 – Change of use to land from 'employment use' to B2 'general industrial' – Recycling centre and provision of hard standing to relocate the town and public recycling bins. Conditional Consent.

P/2015/0827 - Provision of a dedicated area within the existing recycling site for safe storage of household waste classed as hazardous. Conditional Consent.

P/2015/0829 - Section 73: Variation of condition 2 of planning approval RAD/2007/0520 to allow additional fencing and gates to be erected.

P/2015/0830 - Section 73: Variation of condition 3 of planning approval RAD/2007/0520 to allow changes to time of collection/delivery of recycling containers to include 8.00 hours to 1700 hours on Saturday.

Principal Planning Constraints

Landfill

Historic Landfill Sites

Principal Planning Policies

National planning policy

Planning Policy Wales (2016)

Technical Advice Note 12: Design (2016)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP GP1 – Development Control

UDP EC3 - Protection of Employment Sites

UDP HP4 - Settlement Development Boundaries and Capacities

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

Officer Appraisal

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

Background

The current Recycling Centre is open to the public (08:00 – 18:00 Monday to Friday, 09:00 – 17:00 Saturday and Sunday, and no public access on bank holidays) and has been in operation since approximately 2008 and currently accepts a variety of household/municipal waste, such as cardboard, glass and aluminium etc. Works vehicles currently access the site between 08:00-17:00 Monday to Saturday.

This application has come about to increase security at the site and to reduce any noise impacts on surrounding properties.

Proposal

The application seeks consent to vary condition 2 of planning permission RAD/2007/0520 to allow for an amendments to the boundary fence. The current fence is a 2 metres high timber fence and it is proposed to replace this fence with a 3 metre high composite panel finished in brown. The proposed fencing is to have an acoustic absorption category of A3 and is proposed reduce any visual and noise impacts.

Policy

Policy GP1 required that development proposals will only be permitted where they are in keeping with the character of the surrounding area and where the amenities of nearby properties are not unacceptably affected.

The principle of the Recycling Centre has already been established at the site, this application is to allow for the erection of a taller fence.

After carefully reviewing the application, the policy background and from visiting the site, it is considered that the principal issues are as follows;

Impact of Residential Amenity

The design, layout, scale, mass and material of the development would be in keeping with that of the existing area, the site is located in an area with a mix of industrial and residential properties (although predominantly residential). There are numerous fencing styles in the area including timber fencing (like that on site) chain link fencing around the ATS site. The rear yard to Boys of Boden (granted planning permission under ref P/2012/0350) will have a mix of security fencing along with the existing timber fencing.

Therefore, it is considered that the proposed fencing at the Recycling Centre would not be out of character with the surroundings and the mix of fencing styles in the area.

The fencing of the site would be made up of composite panel boards in brown and would be 3 metres in height.

It is not considered that this would be excessive in scale and the design of the fencing and the gates has been designed as a deterrent to potential fly tipping and/or other crimes so would be in compliance with part 1 and part 2 of policy GP 1. The proposed development has also been designed to reduce any noise impacts from the recycling centre to the benefit of neighbouring properties.

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 addition of this fence would raise the fence line by 1 metre it is not considered that this, would have any adverse impacts upon residential amenity. There is a variety of different fencing styles in the surrounding area and the proposed fences would not be incongruous, and would also help to bring more control to the site and minimise the potential for people accessing the site at unsociable hours and/or fly tipping at the site. The proposed fence would also aid in reducing noise impacts on the surrounding area. In light of this the application is recommended for approval.

Conditions

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission
2. The development shall be carried out in accordance with the plans and documents submitted (drawing no's: 2339_02/P02/002 and 2502/C/007).
3. The gradient of the access shall not exceed 1 in 30 for the first 15 metres measured from the edge of the adjoining carriageway along the centerline of the road.
4. Closed Circuit Television (CCTV) shall be installed within one month of the new operating hours being implemented and retained on site in perpetuity.
5. Recycling containers shall only be collected from the site or delivered to the site between the hours of 08:00 hours and 17:00 hours Monday to Saturday. There shall be no collections or deliveries of recycling containers on Sunday.
6. The total number of Heavy Goods Vehicle Movements (vehicles in excess of 7.5 tonnes gross weight) associated with the collection or delivery of recycling containers shall not exceed 6 movements (3 in and 3 out) (Saturdays 13:00 hours to 17:00 hours).
7. Members of the public shall only have access to the site between the following hours;
 - a. 08:00 hours and 18:00 hours Monday to Friday
 - b. 09:00 hours and 17:00 hours Saturday and Sunday
 - c. There shall be no public access to the site on bank holidays
8. All skip vehicles within the control of the site operator shall be fitted with protective sleeves over the loading/carrying chains.

Reasons

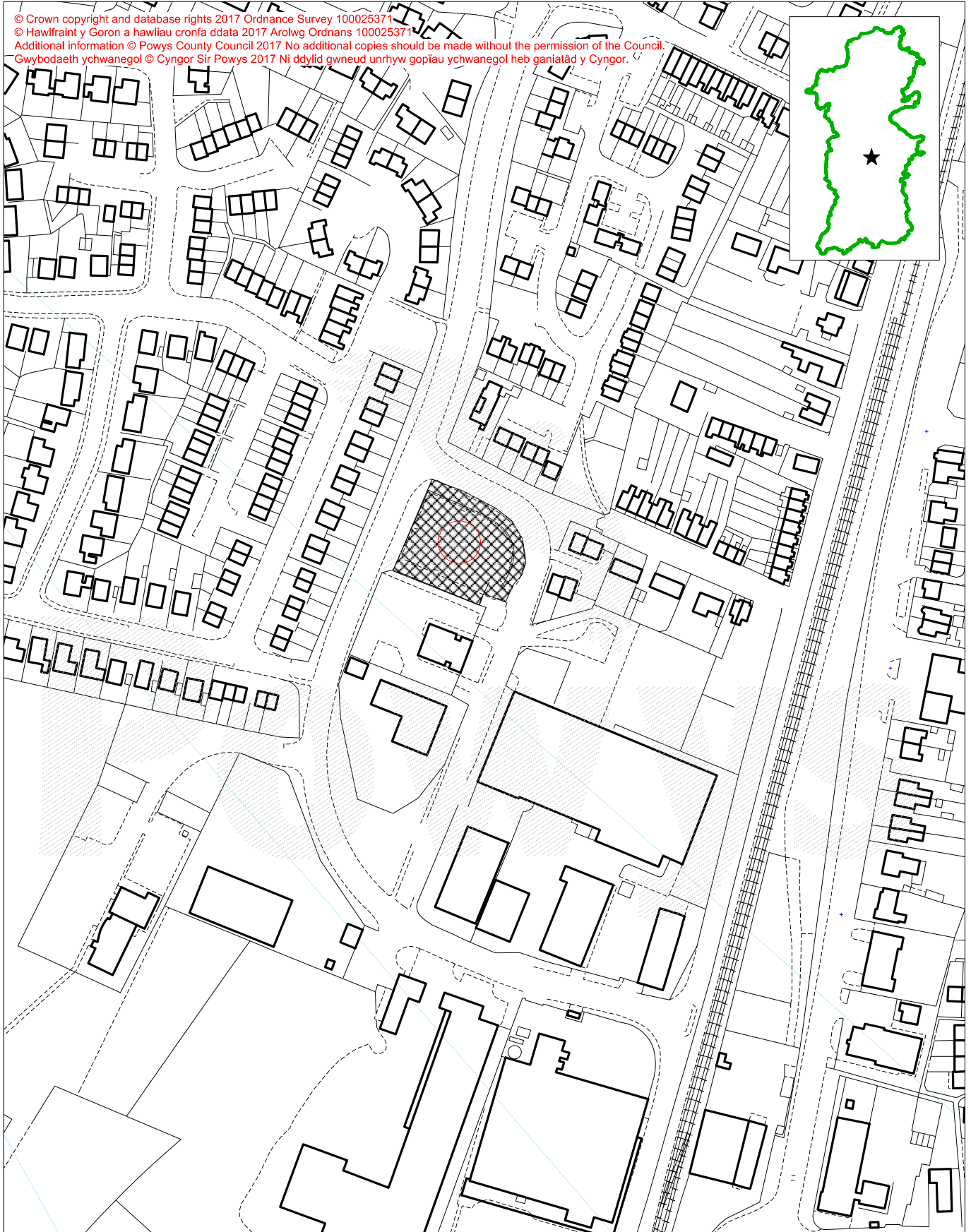
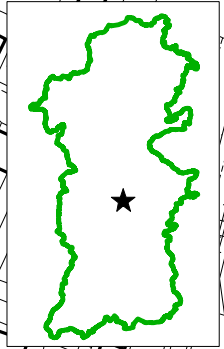
1. To comply with section 91 of the Town and Country Planning Act 1990.
2. For compliance purposes with the drawings submitted.
3. In the interest of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
4. For the protection of residential amenity in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
5. For the protection of residential amenity in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

6. For the protection of residential amenity in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
7. For the protection of residential amenity in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
8. For the protection of residential amenity in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

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

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Delegated List

07/09/2017**27/09/2017**

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

FOR INFORMATION
Decisions of the Head of Regeneration, Property & Commissioning on
Delegated Applications

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0272 FULL	27/03/2017	CONSENT	08/09/2017	Change of use of agricultural land. Demolition of existing single storey extension, and erection of two storey annexe, erection of garage and associated works.	Red House Bryndu Road Llanidloes SY18 6JH
P/2017/0377 HOUS	07/04/2017	CONSENT	08/09/2017	Householder: Demolition of existing extension and erection of new extension	3 Castle Cottage Aberedw Builth Wells LD2 3UL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0520 HOUS	18/05/2017	CONSENT	08/09/2017	Householder: Extension to existing dwelling and demolition of existing storage area	Castle Bank Clatter Caersws SY17 5NR
P/2017/0698 FULL	28/06/2017	CONSENT	08/09/2017	Full: change of use of a domestic garage to a micro-brewary unit and all associated works	Ravens Wood Llanwddyn Lake Vyrnwy Hotel Oswestry SY10 0LY
P/2017/0774 CLA2	04/07/2017	REFUSE	08/09/2017	Application for certificate of lawfulness for a proposed development namely constuction of stairs to partially enclose internal courtyard	Brynteg High Street Llanfyllin SY22 5AA
P/2017/0806 FULL	21/07/2017	CONSENT	08/09/2017	Full: Change of use of land to site 1 no. mobile shepherds hut	Cefnmachllys Talachddu Brecon LD3 9TH
P/2017/0831 HOUS	18/07/2017	CONSENT	08/09/2017	Householder: Construction of a rear second storey balcony and installation of rear door to replace existing window	17 Penygraig Street Llanidloes SY18 6AL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0835 HOUS	17/07/2017	CONSENT	08/09/2017	Householder: Alterations and extension to existing dwelling to provide replacement garage annexe with new bedroom accomodation as well as replacement roof cladding and external joinery to existing dwelling.	Nonsuch Battle Brecon LD3 9RN
P/2016/1119 LBC	15/11/2016	APPROVE	11/09/2017	Listed Building Consent: Internal and external works and alterations	Bridge Stores & Post Office Clyro Bridge Stores HR3 5RZ
P/2017/0839 REM	18/07/2017	CONSENT	12/09/2017	Section 73 application to vary condition 1 of planning approval P/2011/1158 in regards to the time limit for the commencement of development	Land at 1 Carno Cledan Gradens Caersws SY17 5JT
P/2017/0240 FULL	14/03/2017	CONSENT	13/09/2017	Full: Change of use of part of dwelling into a self contained holiday unit together with alterations to vehicular access	Cefn Bryn Cefn Coch Welshpool SY21 0AE
P/2017/0393 FULL	24/04/2017	CONSENT	13/09/2017	Full: Change of use from shop (A3) to residential (C3)	The Stores High Street Meifod SY22 6DB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0527 REM	14/07/2017	CONSENT	13/09/2017	Removal of condition - Section 73 application - removal of condition 7 from planning permission M16707	Hafod Owen Llanbrynmair SY19 7AF
P/2017/0785 HOUS	14/07/2017	APPROVE	13/09/2017	Householder: Removal of existing conservatory and erection of a new extension and alterations.	Blaen Y Glyn Llawr-Y-Glyn Caersws SY17 5RJ
P/2017/0788 RES	13/07/2017	CONSENT	13/09/2017	Reserved matters application in respect of outline planning permission P/2014/0049 for the erection of 2 dwellings and creation of shared access	Plots 2 & 3 Slough Road Presteigne LD8 2NH
P/2017/0848 CLA2	02/08/2017	REFUSE	13/09/2017	Section 192 application for a lawful development certificate of proposed use in relation to the erection of an aviary	Cwmceste Farm House Newchurch Kington HR5 3QS
P/2017/0877 CLA1	31/07/2017	APPROVE	13/09/2017	Application for certificate of lawfulness for an existing use namely use of property as class A3 use (sale of hot food and takeaway)	10 Central Fish Bar Station Road Ystradgynlais SA9 1NT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2016/1012 FULL	28/11/2016	CONSENT	14/09/2017	Conversion of former canal warehouse building to form a dwelling and all associated works	North View Barn North Road Llanymynech SY22 6EZ
P/2016/1013 LBC	29/11/2016	CONSENT	14/09/2017	Listed building consent for internal and external alterations to building in connection with proposed conversion to dwelling (including demolition of outbuilding adjoining)	North View Barn North Road Llanymynech SY22 6EZ
P/2017/0182 HOUS	17/02/2017	CONSENT	14/09/2017	Householder: Demolition of garage and conservatory and erection of an extension	Woodvilla Dolau Llandrindod Wells LD1 5UN
P/2017/0743 HOUS	03/07/2017	CONSENT	14/09/2017	Householder: Erection of a two storey rear extension to enlarge kitchen and first floor bedroom.	Lluest Isaf Carno Caersws SY17 5LX
P/2017/0606 FULL	14/06/2017	CONSENT	15/09/2017	Full: Erection of an agricultural livestock building, formation of hardstanding and all associated works (part retrospective)	Land at White House Buttington Welshpool SY21 8SX

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0607 FULL	14/06/2017	CONSENT	15/09/2017	Full: Erection of an agricultural livestock building, formation of hardstanding and all associated works (part retrospective)	Land at White House Buttington Welshpool SY21 8SX
P/2017/0807 HOUS	18/07/2017	CONSENT	18/09/2017	Householder: increasing the existing kitchen extension and a first floor extension and a conservatory.	1 Dolanog Villas Tanrallt Road Machynlleth SY20 8AS
P/2017/0884 HOUS	31/07/2017	CONSENT	18/09/2017	Householder: Demolition of existing garage and erection of extensions (to create disability accessible accommodation)	Berllan Deg Trefeglwys Caersws SY17 5PY
P/2017/0554 OUT	24/05/2017	REFUSE	19/09/2017	Outline: Erection of an affordable dwelling, improvements to the existing access, installation of a sewage treatment plant and all associated works	Land West of Dolgar Adfa Newtown SY16 3NS
P/2017/0735 FULL	29/06/2017	CONSENT	19/09/2017	Full: Construction of a lambing and implement shed and feed store.	Land NW of Archdeacon Griffiths School Llyswen Brecon LD3 0YB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0769 FULL	11/07/2017	CONSENT	19/09/2017	Full: Erection of an industrial building for vehicle repair and tyre depot and all associated works	Irfon Industrial Estate Garth Road Builth Wells LD2 3NL
P/2017/0326 FULL	25/04/2017	CONSENT	20/09/2017	Full: Application for change of use of land from agricultural to yurt campsite and it's amenities (Retrospective)	Land off A479 at Bronllys/Talgarth Roundabout LD3 0HN
P/2017/0415 LBC	12/07/2017	CONSENT	20/09/2017	Listed building consent for removal of fireplace (retrospective) and installation of a replacement fireplace	3 Ashfield Terrace Llanymynech SY22 6EU
P/2017/0635 OUT	06/06/2017	CONSENT	20/09/2017	Outline: Residential development of four detached dwellings and creation of vehicular access	Hay Road Garage Hay Road Builth Wells LD2 3BP
P/2017/0673 FULL	12/07/2017	CONSENT	20/09/2017	Full: Extension to farm building.	The Gables Llanfyllin SY22 6UQ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0808 FULL	12/07/2017	CONSENT	20/09/2017	Full: Erection of an agricultural building and associated works	Garth Fach Pontrobert Meifod SY22 6JP
P/2017/0843 HOUS	19/07/2017	CONSENT	20/09/2017	Householder: Demolition of existing lean to and erection of larger extension.	Fron Llanfair Caereinion Welshpool SY21 0DQ
P/2016/1302 FULL	21/12/2016	CONSENT	21/09/2017	Change of use from A1 to A3 (hot food outlet) to include installation of external vent duct and associated works	Troedyrallt 6 Great Oak Street Llanidloes SY18 6BN
P/2017/0039 FULL	11/01/2017	CONSENT	21/09/2017	Conversion of agricultural barn to create a new dwelling and to include installation of package treatment plant and alterations to existing access	Gwrhyd Mochdre Newtown SY16 4JP
P/2017/0854 HOUS	11/08/2017	CONSENT	21/09/2017	Householder: Erection of a detached single storey garage.	4 Gurnos Cwrt y Gamlas Swansea SA9 1EP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0882 FULL	01/08/2017	CONSENT	21/09/2017	Full: Construction of a replacement communications mast 17.5m high, installation of antennas, ground based apparatus and ancillary development	Heol Gwys Land adj. Cwmtwrch RFC Upper Cwmtwrch SA9 2XQ
P/2017/0281 FULL	13/03/2017	CONSENT	22/09/2017	Full: Erection of a free range egg production unit including silos, formation of vehicular access road and all associated works	land at Henblas Pontdolgoch Caersws SY17 5JE
P/2017/0760 FULL	21/07/2017	CONSENT	22/09/2017	Full: Installation of below ground fuel tanks, replacement fuel pumps and conopy. Relocation of air and water machine, ATM and vents. New car park marking layout. Re-decoration to existing shop front windows and doors	Co Op Garage Llanelwedd Station Road Builth Wells LD2 3SS
P/2017/0797 FULL	10/07/2017	CONSENT	22/09/2017	Change of Use from hostel to residential use	Youth Hostel Association Glascwm Llandrindod Wells LD1 5SE
P/2017/0850 FULL	21/07/2017	CONSENT	22/09/2017	Full: Erection of an agricultural livestock building.	The Gaer Forden Welshpool SY21 8NR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0534 FULL	24/05/2017	CONSENT	25/09/2017	Full: Erection of a replacement dwelling and all associated works	Glan Llyn Aberhafesp Newtown SY16 3LT
P/2017/0649 RES	19/07/2017	CONSENT	25/09/2017	Reserved matters application in respect of outline permission P/2016/0701 for the erection of a rural enterprise dwelling, to include access and the installation of a septic tank	Land adj to Old School Maes Mawr Welshpool SY21 9DB
P/2017/0892 HOUS	02/08/2017	CONSENT	25/09/2017	Householder: Proposed vehicular access	7 Garth Terrace Penybont Road Knighton LD7 1HB
P/2016/1319 FULL	22/12/2016	CONSENT	26/09/2017	Full: Construction of a temporary access	Land Opposite The Cemetery Presteigne Road Knighton LD7 1LN
P/2017/0513 FULL	02/08/2017	CONSENT	26/09/2017	FULL: Erection of general purpose and livestock building	Heartsease Knighton LD7 1LU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0742 FULL	30/06/2017	CONSENT	26/09/2017	Full: Installation of 2 no. face mounted antennas on each of the 4 external elevations (8 no in total) of the existing clock tower and installation of 2 no. internal telecomms cabinets and all associated works	Welshpool Town Hall High Street Welshpool SY21 7JQ
P/2017/0840 HOUS	01/08/2017	CONSENT	26/09/2017	Householder: Formation of new vehicular access	5 and 6 Garth Terrace Penybont Road Knighton LD7 1HB
P/2017/0331 FULL	05/04/2017	CONSENT	27/09/2017	Full: Erection of 2 no. log cabins, 2 no. pods and 1 no. safari tent, new pedestrian bridge and associated works	Pant Farm Aberbechan Newtown SY16 3AX
P/2017/0579 HOUS	22/05/2017	CONSENT	27/09/2017	Householder: Proposed extension and alterations to an existing dwelling	Corndon Chirbury Montgomery SY5 0JL
P/2017/0636 FULL	12/07/2017	REFUSE	27/09/2017	Full: Erection of temporary dwelling	Coed-Y-Pandy Llandinam SY17 5AZ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0737 FULL	29/06/2017	CONSENT	27/09/2017	Full: Creation of new agricultural vehicular access to serve fields	Bausley House Crew Green SY5 9AS
P/2017/0800 FULL	12/07/2017	CONSENT	27/09/2017	Full: Erection of an agricultural building and all associated works	Land formerly of Pentreheylin Hall Four Crosses Llanymynech SY22 6PG
P/2017/0820 HOUS	15/08/2017	CONSENT	27/09/2017	Householder: Erection of building within domestic curtilage to be used as a therapy room	Maes-Y-Coed House Ystradgynlais Maes-Y-Coed SA9 2JZ
P/2017/0873 RES	31/07/2017	CONSENT	27/09/2017	Application for Reserved Matters of Plot 4 in respect of outline permission P/2015/0197 for erection of 5 no. dwellings, creation of vehicular access and infrastructure improvements	Development at Graig Wen Plot 4 Newtown SY16 3BH
P/2017/0918 FULL	08/08/2017	CONSENT	27/09/2017	Full - Erection of a livestock shed	Trawsty Newydd Penybont Llandrindod Wells LD1 5SR