

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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

Dyddiad y Cyfarfod
Dydd Iau, 1 Chwefror 2018

Amser y Cyfarfod
12.00 pm

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



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

Dyddiad Cyhoeddi
1 Chwefror 2018

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

AGENDA

1.	YMDDIHEURIADAU
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I dderbyn ymddiheuriadau am absenoldeb.

2.	COFNODION Y CYFARFOD BLAENOROL
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I awdurdodi'r Cadeirydd i arwyddo cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 18 Ionawr, 2018 fel cofnod cywir.

(I ddilyn)

Cynllunio

3.	DATGANIADAU O FUDD
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- I dderbyn datganiadau o fudd gan Aelodau mewn perthynas â'r eitemau i'w hystyried ar yr agenda
- Derbyn ceisiadau gan aelodau i gofnodi eu haelodaeth ar gynghorau tref neu gymuned lle cafwyd trafodaeth ar faterion sydd i'w trafod gan y Pwyllgor hwn.
- Derbyn datganiadau gan Aelodau'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' mewn perthynas â chais unigol sy'n cael ei ystyried gan y Pwyllgor

- d) Nodi manylion aelodau'r Cyngor Sir (nad ydynt yn aelodau'r Pwyllgor) a fydd yn gweithredu fel 'Cynrychiolydd Lleol' o ran cais unigol sy'n cael ei ystyried gan y Pwyllgor.

4.	CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.
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Ystyried adroddiadau Pennaeth y Gwasanaethau Adfywio a Rheoleiddio a gwneud penderfyniadau anghenrheidiol ar hynny.

(Tudalennau 1 - 4)

4.1. Diweddariadau

Bydd unrhyw Diweddariadau'n cael eu hychwanegu at yr Agenda, fel Pecyn Atodol, cyn y cyfarfod ble bynnag y bo modd.
(I ddilyn)

4.2. P/2016/0397 Lower House Farm, Cleirwy, Henffordd, HR3 5RU

P
(Tudalennau 5 - 80)

4.3. P/2017/0444 Tir cyfagos i Lon-Yr-Ywen, Pontrobert, Powys SY22 6JT

(Tudalennau 81 - 130)

4.4. P/2017/1388 Tir cyfagos i Goed Llys, Penrhos, Llanymynech, Powys SY22 6QE

(Tudalennau 131 - 150)

4.5. P/2017/1284 Safle cyfagos i Dir Gaia, Ffordd Abaty Cwm Hir, Rhaeadr Gwy, Powys, LD6 5DZ

(Tudalennau 151 - 172)

4.6. P/2017/1224 Tir cyfagos i Arrah Lodge, Llanfihangel Tal y Llyn, Llangors, Aberhonddu, LD3 7TP

(Tudalennau 173 - 190)

4.7. P/2017/1333 Oakleigh, Refail, Aberriw, Powys SY21 8AJ

(Tudalennau 191 - 208)

- 4.8. **P/2017/1337 Oakleigh, Refail, Aberriw, Powys SY21 8AJ**
(Tudalennau 209 - 226)
- 4.9. **P/2017/1317 Pantygamallt, Penffordd-las, Llanbryn-mair, Powys, SY19 7BU**
(Tudalennau 227 - 246)
- 4.10. **P/2017/0770 Cil Common Stables, Cefn-Y-Faenor, Aberriw, Y Trallwng, SY21 8AX**
(Tudalennau 247 - 272)
- 4.11. **AGRI/2018/0004 Dolmenyn, Garth, Llangamarch, Powys LD4 4BL**
(Tudalennau 273 - 278)
- 4.12. **DEM/2018/0001 The Red Dragon, Lôn y Blanhigfa, Y Drenewydd, SY16 1LH**
(I ddilyn)

5.	PENDERFYNIADAU PENNAETH GWASANAETHAU ADFYWIO A RHEOLEIDDIO AR GEISIADAU DIRPRWYEDIG
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I dderbyn rhestr o benderfyniadau a wnaed gan y Pennaeth Gwasanaethau Adfywio a Rheoleiddio er gwybodaeth o dan bŵerau dirprwyedig.

(Tudalennau 279 - 286)

Taccis a thrwyddedu arall

6.	COFNODION PANELI AROLYGU TACCIS
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I awdurdodi'r Cadeirydd a fydd yn llywyddu yn y Panel Arolygu Taccis canlynol i arwyddo'r cofnodion fel cofnod cywir: 22 Tachwedd 2017.

(Tudalennau 287 - 290)

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

Planning, Taxi Licensing and Rights of Way Committee
1st February 2018

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/2016/0397</p> <p>Clyro</p> <p>322207.34 244602.32</p> <p>20/4/2016</p>	<p>Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works</p> <p>Lower House Farm, Clyro, Hereford, HR3 5RU</p> <p>Mr Lloyd JR Lloyd & Son, Lower House Farm, Clyro, Hereford, HR3 5RU.</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/0444</p> <p>Llangyniew</p> <p>311018.6 312889.79</p> <p>24/04/2017</p>	<p>Outline: Proposed residential development of up to 5 no. dwellings, formation of vehicular access and associated works (some matters reserved)</p> <p>Land adj Lon-Yr-Ywen Pontrobert Powys SY22 6JT</p> <p>Mr & Mrs N Proudlove & K Proudlove-Banks 56 Warrane Road, North Willoughby NSW 2068 Australia, 29 Camp Road, Phoenix New York 13135 USA</p> <p>Recommendation: Conditional Consent</p>

<p>P/2017/1388</p> <p>Llandrinio</p> <p>323502.45 316639.8</p> <p>24/11/2017</p>	<p>Outline application (with some matters reserved) for erection of a dwelling, detached garage, installation of septic tank and all associated works</p> <p>Land adjoining Coed Llys Penrhos Llanymynech Powys SY22 6QE</p> <p>Mr J T Corbett Penrhos The Mount Llanymynech Powys SY22 6QE</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1284</p> <p>Rhayader</p> <p>297869.03 268525.66</p> <p>06/11/2017</p>	<p>Outline: Erection of 9 residential dwellings, including 3 affordable dwellings and all associated works (all matters reserved)</p> <p>Site adj to Tir Gaia, Abbey Cwm Hir Road, Rhayader, Powys, LD6 5DZ.</p> <p>Mr & Mrs Duggan, Cefn Y Crug, Crossgates, Llandrindod Wells, Powys, LD1 6RU</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1224</p> <p>Llangors</p> <p>311796.7 228228.31</p> <p>20/10/2017</p>	<p>Outline application (with all matters reserved) for erection of a dwelling, detached garage and all associated works</p> <p>Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP</p> <p>Mr & Mrs R & J Gunney, Arrah Lodge, Llanfihangel Talylynn, Llangorse, Brecon, LD3 7TP</p> <p>Recommendation: Refusal</p>
<p>P/2017/1333</p> <p>Berriew</p> <p>319238.82 299832.5</p>	<p>Outline: Erection of single dwelling, upgrade of sewerage treatment plant and associated works</p> <p>Oakleigh, Refail, Berriew Powys SY21 8AJ</p> <p>N Freeman Dyffryn Industrial Estate,</p>

<p>15/11/2017</p>	<p>Severn Fast Fit, Newtown Powys</p> <p>Recommendation: Conditional Consent – subject to a S106 agreement</p>
<p>P/2017/1337</p> <p>Berriew</p> <p>319224.46, 299837.25</p> <p>15/11/2017</p>	<p>Outline - Erection of single dwelling, upgrade of sewerage treatment plant and associated works</p> <p>Oakleigh, Refail, Berriew Powys SY21 8AJ</p> <p>N Freeman Dyffryn Industrial Estate, Severn Fast Fit, Newtown Powys</p> <p>Recommendation: Conditional Consent – subject to a S106 agreement</p>
<p>P/2017/1317</p> <p>Trefeglwys</p> <p>289260.79</p> <p>10//2017</p>	<p>Outline application – Erection of dwelling, garage and associated works (some matters reserved)</p> <p>Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU</p> <p>Mr & Mrs W + J Davies, Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/0770</p> <p>Berriew</p> <p>317583.43 302357.63</p> <p>27/07/2017</p>	<p>Full: Demolition of existing stable building and erection of new dwelling, installation of septic tank and creation of new access and all associated works.</p> <p>Cil Common Stables, Cefn Y Faenor, Berriew, Welshpool, SY21 8AX</p> <p>Ms Helen Thomas, Cil Common Stables, Cefn y Faenor, Berriew , Welshpool, SY21 8AX</p> <p>Recommendation: Conditional Consent</p>

<p>AGRI/2018/0004</p> <p>Llangammarch Wells</p> <p>296594.28 249181.27</p> <p>11/01/2018</p>	<p>Application for Prior Notification of Agricultural or Forestry development -</p> <p>Dolmenyn, Garth, Llangammarch Wells Powys, LD4 4BL</p> <p>Mr A J Davies, Dolmenyn Farm Garth Llangammarch Wells Powys LD4 4BL</p> <p>Recommendation: Prior Approval is not required</p>
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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0397	Grid Ref:	322207.34 244602.32
Community Council:	Clyro	Valid Date:	Officer: 20/04/2016 Tamsin Law
Applicant:	Mr Lloyd JR Lloyd & Son, Lower House Farm, Clyro, Hereford, HR3 5RU.		
Location:	Lower House Farm, Clyro, Hereford, HR3 5RU.		
Proposal:	Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The planning application is accompanied by 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 23,500 birds in total, split between two sheds comprising laying hens along with cockerels.

The application site is located within an area of open countryside, approximately 960 metres from the development boundary of Clyro. The proposed units would be located to the east of the existing buildings on the farm and is bound by agricultural land to the north-west and north east, the existing farm buildings to the south-west and the adjoining A438 to the south-east. The application site is agricultural land which has been intensively farmed and has previously gained consent for a single poultry building.

The site is located within 5km of two European Sites, the River Wye SAC (approximately 1048m from the proposed development) and Rhos Goch SAC (approximately 4234m from the proposed development). The application site also lies within 5km of the following SSSIs; River Wye (Lower Wye) SSSI, River Wye (Upper Wye) SSSI, Cwm-Gawnon Digne and Pature SSSI, Moity and Garth Dingles and Fron Wood SSSI, Rhos Goch (Rhos Goch Common) SSSI, Cors Ty-Llwyd SSSI, Hen-Allt Common SSSI and Pen yr Allt SSSI. The Cwm Byddog Radnorshire Wildlife Trust Reserve and 64 parcels of ancient woodland are located within 2km of the site (the closest ancient woodland locates approximately 56 metres from the site).

The proposed buildings would measure 111.5 metres in length, 18.5 metres in width, with a maximum height of 5.29 metres (6 metres to the top of the ventilation fans) falling to 2.74 metres at the eaves. The feed silos will be located at the eastern end between both units and would have a maximum height of 7.7 metres.

A welfare area in the form of a linked building between both poultry units is also proposed and this will provide an egg store, staff area, office and male and female WC.

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

Consultee Response

Clyro Community Council

Response received 17th January 2017

The Clyro Community Council met on 10th January 2017 to hear representations from the community regarding the planning for the erection of two poultry sheds at Lower House Farm in Clyro.

This application had originally been discussed at a Community Council meeting in May 2016, but as considerable comments and representations to Councillors have been made it was decided to hold a public meeting to give the community a chance to air their views.

Fifty members of public attended the meeting along with the applicant and his agent, and a courteous yet robust discussion ensure in which all parties made valid points regarding the impact of the application, viz the increased traffic accessing a fat road, the issues regarding odour, particularly to the residents of Bronydd, the potentially damaging effects on tourism, especially to a campsite close by, We also heard sound arguments regarding the importance of farming diversification, the falling market for red meat in favour of chicken and the supported needed for the farming community.

One particular issue was that the community felt that they hadn't been informed of the application and thus given enough time to attend the original meeting.

It is the Community Council's view that the planning authority needs to appreciate a considerable level of feeling engendered by the project and the existence of such a large meeting of the local community needs to be brought to its attention.

Full report of this meeting can be found at www.clyro.org

Response Received 5th April 2017

With regard to the above planning application Clyro Community Council held an extraordinary meeting yesterday to discuss the issue and thereafter voted 3 in support of the application, 2 rejected the application and 1 abstained.

Response Received 6th April 2017

Further to our email of yesterday I would like to add that there was a large percentage of the public audience in attendance who opposed the application as well as how the Community Council voted.

Response Received 18th October 2017

At a meeting of the community Council on the 28th Sept the previous decision to support the above planning application was rescinded.

At a meeting of the Community Council on the 17th October, the Council, after re-hearing arguments for and against the proposal by members of the public, voted to oppose the above application.

Could you please amend the planning records to reflect the change of view, that the Clyro Community Council no longer supports application P/2016/0397.

PCC - Building Control

Please note building regulations will be required on this application (treatment plant)

Highway Authority

Correspondence received 26th April 2016 –

The submission fails to include a drawing detailing the access, its width, gradient and visibility through which this proposal will gain entry to the site. It is imperative that these details are provided to enable the Highways Authority to assess the impact on highway safety the scheme may have.

I would be grateful if you would seek an appropriate drawing and I will refrain from making a formal comment until this has been received.

Correspondence received 14th July 2016 –

The County Council as Highway Authority for the County Class I Highway, A438

Wish the following recommendations/Observations be applied

Recommendations/Observations

Based on the level of information supplied to date this application should be refused.

Reasons for Refusal

The suitability of the existing access off the A438 county highway to serve an enterprise of this nature has previously been considered and determined under applications P/2008/1357 & P/2009/0744. The imposition of highway conditions, in line with those imposed on the previously consented applications, are therefore deemed appropriate in this instance. Pre-planning application advice was also provided by the Highway Authority on this basis.

The access and visibility arrangements detailed on Drawing HA21647 are not however acceptable. The proposed 2.4 x 215m visibility splay to the north has been detailed incorrectly; it needs to be shown to the nearside carriageway edge which will inevitably require the removal/relocation of the existing hedgerow. In addition the centre line of the proposed access needs to be constructed at right angles from the edge of the A438 over a minimum distance of

20metres and also provide a 15m triangular awareness splay. The access road also needs to be a minimum of 6metres wide over that length.

The current proposals show the access road barely 4m in length before turning 90 degrees towards the proposed sheds. Such an arrangement would not provide sufficient space for vehicles, especially larger vehicles to align themselves correctly at the junction with the A438 in order to make a safe exit from the site and furthermore, vehicles attempting to enter the site may well be prohibited from doing so due to exiting vehicles blocking their approach. In summary the proposed alignment would not permit the safe access/egress from the site which would be to the detriment of highway safety.

Response received 28th July 2016 –

I'm afraid that the revised drawing HA21647/A does not address the fundamental concerns raised about the proposed alignment of the access. Whilst it is clear that the required visibility can be achieved the access road needs to be adjusted to prevent vehicles approaching the access point to the existing highway at an inappropriate angle. In short the access road needs to be at right angles to the existing highway for the first 20m and constructed in such a manner that prevents vehicles attempting to turn towards the site over that length. After the initial 20m the alignment of the access road can be configured to provide the requisite access to the site.

I trust the above clarifies matters and will await revised drawings.

Response received 9th August 2016 –

I have received revised access details for the above application as shown on layout drawing HA21647/Rev A dated 5th August 2016. (This drawing should not be confused with the previously submitted detail contained on the previous drawing submitted 15th July 2016 which unfortunately has identical drawing and revision numbers.)

I am now generally happy with the revised detail, save for a few minor alterations that are required for the junction radii and the proposed position of the foul drainage soakaway; I am however happy to cover those items by suitable conditions. I would therefore ask that the following conditions be attached to any consent granted.

HC1 Prior to the first beneficial use of the building 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.

HC3 The centre line of the first 20 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to

points 0.26 metres above ground level at the edge of the adjoining carriageway and 215 metres distant in a north easterly direction measured from the centre of the access along the edge of the adjoining carriageway and 15 metres distant from the edge of the adjoining carriageway and 15 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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 building, provision shall be made within the curtilage of the site for the parking of not less than 1 car and 1 heavy goods vehicle 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 7.3 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 building a radius of 12.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21 Prior to the first beneficial use of the building 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.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge to any part of the septic tank or its soakaway installation.

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.

Response received 5th April 2017

I make reference to the amended plans relating to the above site and have no further comments to make.

Response received 16th August 2017

Graham Clark has asked me to comment upon the recently submitted highway report from Badingham Consultants.

Having reviewed the document I consider the findings to be comprehensive and robust and on that basis consider that the proposed development would not have a detrimental impact on highway safety.

My previous recommendation and draft conditions issue 09/08/2016 are therefore still valid, however based on the latest information, it is recommended that the previously proposed condition HC4 be amended to read as follows:-

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point .26 metres above ground level 15 metres distant from the edge of the adjoining carriageway and 15 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Wales & West Utilities

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

However, gas pipes owned by other GT's and also privately owned may be present in this area.

Environmental Health

Response Received 6th May 2016

Thank you for your email letter dated the 25/4/16 in respect of the above.

Should planning permission be granted in respect of this application then the following conditions are recommended.

Conditions

(a) Noise Conditions.

(i) 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 LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [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.

(ii) Transport and Other Noise

Feed deliveries and egg collections to and from site, feed hopper filling, building clean-out, litter loading and litter removal associated with this application, shall be carried out between the following hours, Monday to Fridays from 08.00 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and Public Holidays.

(iii) Time of operations for building construction.

All building construction operations associated with the development (including soil movements and landscaping) shall be carried out between the following hours: Monday to Fridays 08:00 to 18:00 hours; Saturdays from 08:00 hours to 13:00 hours and at no times on Sundays, Bank and Public Holidays.

Reason: To protect the local amenities of the local residents from noise.

(b) Prevention of insect and 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.

(ii) The Site for the Storage of manure

No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground.

No manure shall be stored over field drains or within 10 metres of a watercourse.

Reason: To avoid runoff and prevent deterioration of the local amenities.

(iii) Manure transportation

All vehicles used for the movement of manure 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.

(iv) Manure storage

All stored manure that needs to be covered shall be covered by the end of the day. The covering shall comprise polythene and placed in such a manner as to leave no gaps at the edges of the polythene and shall be tightly secured. All poultry manure that needs to be covered shall remain covered for a minimum period of 10 days before it is used.

Reason: To ensure that any flies or fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water.

(v) The spreading of manure

Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.

Reason: To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area.

(c) Artificial lighting condition.

Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at any 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) Dust from unpaved access.

The surface of the access hereby approved shall be constructed of hard materials to prevent visible dust formation when vehicles are using the access.

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

Informatives.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

If 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 I have no comment in this matter.

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 in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

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> .

Response received 25th October 2016

Should planning permission be granted in respect of this application then the following conditions are recommended.

Conditions

(a) Noise Conditions.

(i) 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 LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [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.

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(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.

(ii) The Site for the Storage of manure

No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground.

No manure shall be stored over field drains or within 10 metres of a watercourse.

Reason: To avoid runoff and prevent deterioration of the local amenities.

(iii) Manure transportation

All vehicles used for the movement of manure 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.

(iv) Manure storage

All stored manure that needs to be covered shall be covered by the end of the day. The covering shall comprise polythene and placed in such a manner as to leave no gaps at the edges of the polythene and shall be tightly secured. All poultry manure that needs to be covered shall remain covered for a minimum period of 10 days before it is used.

Reason: To ensure that any flies or fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water.

(v) The spreading of manure

Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.

Reason: To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area.

(c) Artificial lighting condition.

Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at any 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) Dust from unpaved access.

The surface of the access hereby approved shall be constructed of hard materials to prevent visible dust formation when vehicles are using the access.

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

Informatives.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

If 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 I have no comment in this matter.

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 in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

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> .

Response received 31st March 2017

Further to your emailed letter dated the 14/3/17 in respect of the above application as accompanied by an Environmental Statement I would advise that should planning permission be granted then the conditions as recommended in my letter to you dated the 25th October 2016 remain.

Response received 15th September 2017

In view of the objection and for the sake of completeness you may wish to ask the agent/applicant to reconfigure their odour impact assessment to include the impact on Lower House Barn?

Response received 21st September 2017

I note Graham Clark's comment regarding the odour report and that **all** receptors are below the Environment Agency's benchmark for moderately offensive odours, which answers the query regarding the impact on Lower House Barn.

Response received 22nd November 2017

Regarding the joint letter of objection I note the request that could the EHO assess Lower House Barn and Black Mountain Tent Site for noise.

The noise impact assessment submitted by the applicant refers only to the nearest receptor as 'receptor southwest' at 260m. Therefore it would be expedient to request that the applicant is asked to supply further detail in the noise impact assessment to assess the noise impact specifically at the locations mentioned above.

Response received 22nd November 2017

The noise report does refer to the nearest receptor adjacent to the farmhouse as 140m but confusingly in table 6.3 and 6.4 - Predicted Noise Contribution from Roof Ventilation & Gable End Fans – the distance to Receptor Southwest is detailed as 260m

County Ecologist

Response received 31st August 2016 –

Thank you for consulting me with regards to planning application P/2016/0397 which concerns the erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works.

I have reviewed the submitted information as well as comments received from Natural Resources regarding the proposed development.

The proposed development involves the construction of two poultry sheds that will house approximately 23,500 birds in total as well as associated infrastructure at Lower House Farm Clyro. A previous application was granted at the site in 2009 for a single poultry unit for the production of approximately 10,000 birds in 2009, this permission was not implemented and the current application for two poultry units on the site has now been put forward.

Due to the nature of the proposed development and its proximity to a number of environmentally sensitive sites the application was deemed to require an Environmental Impact Assessment and an Environmental Statement has been submitted with the application Appendix 4 provides an Ecological Assessment, this has been produced by Greenscape Environmental Ltd dated April 2016.

The River Wye SAC/SSSI is approximately 1km south-east of the proposed development. The Rhos Goch SAC/SSSI/NNR lies approximately 4.2km north-west of the development. Given the nature of the proposed development and the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the River Wye SAC and Rhos Goch SAC and/or their associated features has been considered.

Having reviewed the information provided by the applicant as well as comments received from NRW regarding Ammonia and Nitrogen Deposition, Manure Management and Foul and Surface water Drainage Plans it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC or Rhos Goch SAC and/or their associated features – I have attached a copy of the Screening Assessments for each SAC for your records.

A detailed Ammonia and Nitrogen assessment produced by AS Modelling & Data Ltd dated 19th March 2016 has been provided with the application, NRW have reviewed the results of this assessment and have confirmed that with regards to designated sites – SAC and SSSI – they are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are within the thresholds that they currently consider to be acceptable.

In addition to Internationally and Nationally Designated sites, areas of Ancient Semi-natural Woodland have been identified as present within 2km of the proposed development. The detailed ammonia and nitrogen modelling has identified that the proposed development would result in exceedances of the upper threshold of 100% (for non-statutory sites) for approximately 1.8 ha of nearby ancient woodland, with regards to these areas of ancient woodland the modelling predicts exceedance of the critical levels and load by 707%, 208% and 175% - these levels are considered to therefore be significant in their exceedance. Atmospheric nitrogen deposition and ammonia emissions alter acidity and nutrient balances and impacts on both ground and epiphytic flora within woodlands, as well as soil fungi. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

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

And UDP Policy ENV6: Sites of Regional and Local Importance makes reference to Powys LBAP habitats and species which include both woodland habitats typical of Ancient Woodland and species of lower plants which have potential to be present in Ancient woodland and states that:

'Development proposals adversely affecting the conservation interest of sites of Regional or Local Nature Conservation, Geological or Geomorphological Importance will only be permitted where conditions are attached to any permission or a planning obligation sought to ensure:

- 1. Satisfactory provision for the safeguarding of features of Nature Conservation, Geological or Geomorphological Importance within the proposed development; or*
- 2. The provision of appropriate compensatory or mitigation measures to offset the impact of the proposals'*

Part 1 Section 6 of the Environment (Wales) Act 2016 – which replaces the previous NERC 2006 Duty in Wales - requires Local Authorities to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. Section 7 of the Act lists habitats and species of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales these lists include both woodland habitats typical of Ancient Woodland and species of lower plants which have potential to be present in Ancient woodland and negatively affected by deposition of ammonia and nitrogen. The application has identified that under a Glas-tir Scheme the Gibbons Covert has been cleared and replanted with broadleaved woodland, both Natural Resources Wales and the Woodland Trust have identified that this should not be seen as mitigation in relation to the identified potential ammonia and nitrogen impacts.

Whilst the biodiversity benefit of the replanting of the woodland and new planting areas identified in the landscaping scheme with appropriate broadleaved species is recognised it

should also be noted that this will not change the fact that the poultry unit has been identified as likely to contribute significantly increased levels of ammonia and nitrogen to these areas, this would be likely result in negative changes to the Ancient Woodland flora even with the newly planted woodland.

UDP Policy ENV6 – Sites of Regional and Local importance states that:

‘Development proposals adversely affecting the conservation interest of site of regional or local nature conservation will only be permitted where conditions are attached to any permission or a planning obligation sought to ensure:

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

In their response dated 13th May 2016 NRW suggest that production of an acceptable ammonia abatement scheme may be necessary to reduce the impact of the proposed development to an acceptable level. As I am not an expert Ammonia Abatement Measures I am unable to confirm to you whether or not an acceptable Ammonia Abatement Scheme is possible for this site to reduce the impact of the proposed development to the Ancient Woodland and associated flora to an acceptable level – therefore I would be unable to recommend submission of such a scheme prior to commencement of development through an appropriately worded condition as the condition may not be achievable. I would therefore recommend that you seek confirmation and details from the applicant that they consider that an Ammonia Abatement Scheme can be produced, I also recommend that you consult with NRW and their specialists in this area as to whether any measures proposed by the applicant are considered to be acceptable and achievable.

A revised Manure Management Plan was issued following comments received from NRW dated 18th August 2016, this confirms that there is sufficient land to dispose of the manure arising from the proposed development at a rate that is consistent with the CoGAP recommended upper limit.

Zones have been identified where manure will not be spread at any time:

- In accordance with NRW recommendations there will be no spreading of poultry manure in any part of field SO19475791 and a 10m buffer along the in order to prevent negative impacts to the Rhos Goch SAC

- A 10m buffer for no spreading of manure has been identified within the plan either side of any watercourse within the land holdings.

The revised Manure Management plan is considered to have addressed the concerns raised by NRW, subject to confirmation from NRW that they are now happy with the submitted plan I recommend that the implementation of the identified measures is secured through an appropriately worded condition.

The applicant has confirmed that there will be no requirement to alter the existing access to the site and therefore no requirement for hedgerow removal, NRW have confirmed that in light of this they consider that the proposed development would not be detrimental to the favourable conservation status of dormice populations in the local area.

NRW have requested that a Scheme of Reasonable Avoidance Measures for great crested newts is submitted prior to commencement of development, should you be minded to approve the application I recommend that the submission and implementation of a great crested newt RAMS is secured through an appropriately worded condition.

In order to ensure minimal impacts to nocturnal wildlife including foraging and commuting bats, careful consideration will need to be given to lighting design associated with the proposed development, this is required to minimise impacts to nocturnal wildlife commuting and foraging in the local area. I therefore recommend that a lighting design condition is included should planning permission be granted.

In addition I recommend that a Construction Pollution Prevention Plan detailing measures that will be implemented during the construction phase of the proposed development in accordance with best practice guidelines e.g. EA PPG 5 and PPG 6 is secured through an appropriately worded condition to ensure the protection of the nearby watercourse.

Therefore in order to ensure that the proposed development complies with the requirements of National and Local Planning Policy in relation to protection of Ancient Woodland and associated priority species I recommend that you request further information from the applicant regarding Ammonia Abatement Measures in relation to impacts to Ancient Woodland and associated Flora, I also recommend that NRW experts with regards to ammonia and ancient woodland are consulted to confirm whether any measures identified would be sufficiently acceptable and achievable to enable them to be secured through a planning condition

Response received 15th September 2017

Thank you for consulting me with regards to the additional information submitted with regards to planning application P/2016/0397 which concerns an application for Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works at Lower House Farm, Clyro, Hereford .

I have previously responded to this application on the 30th August 2016 where I identified concerns regarding potential impacts to Ancient Woodland and recommended advice was sought from NRW regarding this matter.

An amended Environmental Impact Assessment for the application was submitted in March 2017.

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 information summarises details provided in my previous response and considers additional information as well as consultation responses and advice received from NRW regarding the application.

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

- River Wye Special Area of Conservation (SAC) approximately 1048m from proposed development
- Rhos Goch Special Area of Conservation (SAC) approximately 4234m from proposed development

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

- River Wye (Lower Wye) Site of Special Scientific Interest (SSSI) approximately 1048m from proposed development
- River Wye (Upper Wye) SSSI approximately 1888m from proposed development
- Cwm-Gwanon Dingle and Pasture SSSI approximately 2373m from proposed development
- Moity and Garth Dingles and Fron Wood SSSI approximately 3716m from proposed development
- Rhos Goch (Rhos Goch Common) SSSI approximately 4234m from proposed development
- Cors Ty-Llwyd SSSI approximately 4356m from proposed development
- Hen-Allt Common SSSI approximately 4510m from proposed development
- Pen-Yr-Hen-Allt SSSI approximately 4769m from proposed development

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

- Cwm Byddog Radnorshire Wildlife Trust Reserve approximately 282m from proposed development
- 64 parcels of Ancient Woodland – closest parcel approximately 56m from proposed development

As of the 1st April 2017 NRW introduced revised thresholds of insignificance in relation to Ammonia and Nitrogen, however as the application was submitted prior to the 1st April 2017 NRW have identified that the ammonia and nitrogen thresholds applied by NRW to proposals before the end of March 2017 have been used to assess the scheme.

NRW have considered the predicted ammonia and nitrogen deposition rates and have confirmed as stated in their response dated 13/05/2016 that having reviewed the detailed model, they are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are within the thresholds that they use for assessing impacts of aerial emissions on European and Nationally designated sites.

Habitats Regulations Assessments have been undertaken for the River Wye SAC and Rhos Goch SAC, I have attached copies of the HRA screening records for these sites for ease of reference. The HRA screening assessments concluded that the proposed development would not result in a likely significant effect to either of the SACs, NRW have reviewed the findings of these screening assessments and confirmed in their response dated 22/09/2016 that agree with the conclusions of the assessments.

In my previous response to the application I identified concerns regarding the potential impacts of the proposed development to areas of ancient woodland as a result of ammonia and nitrogen deposition from the proposed development – the detailed ammonia and nitrogen modelling considered at that time identified that the proposed development would result in

exceedance of the critical levels and load for approximately 1.8ha of nearby ancient woodland, the model predicted exceedance of the critical levels and load by 707%, 208% and 175%. NRW identified in their response dated 13/05/2016 that the production of an acceptable ammonia abatement scheme may be necessary to reduce the impact of the proposed development to these areas of ancient woodland from the proposed development to an acceptable level. I recommended that advice was sought from NRW as to whether any proposed abatement measures would be acceptable.

Further details were provided in October 2016 by the applicant regarding potential impacts to the areas of ancient woodland and proposed mitigation measures. The additional information submitted includes a Phase 1 Environmental Appraisal of Woodland Area by Greenscape Environmental Ltd dated September 2016 which included an assessment of the areas of woodland in Gibbons Covert in the applicants ownership, other associated woodland was also briefly observed but is outside of the curtilage of the landowner. The associated woodland flora was assessed to determine the significance of the predicted ammonia emissions. The Environmental Statement identifies that plans have been revised to provide a total area of 1.6ha of woodland planting to mitigate for the impacts of ammonia – this is in addition to the 2.3.ha of Gibbons Covert that has been re-planted, locations of the proposed woodland planting have been shown on Fig 2 of the Landscape and Visual Impact Assessment Report by Haire Landscape Consultants Revised February 2017 – unfortunately the reproduction of this drawing on the Planning Portal has made much of the detail unreadable, however the locations and extent of woodland planting identified is consistent with that identified in the submitted reports.

Following a request for technical advice from NRW regarding the acceptability of the proposed mitigation measures to reduce the impacts of ammonia emissions to ancient woodland a response was provided by NRW on the 25/11/2016 – I have attached a copy of this letter for your information. Whilst NRW reiterate in this letter that they would not be taking a position on the potential effects of ammonia emissions on the nearby Ancient Woodland they have provided a technical summary of the issues and appropriateness of proposed mitigation to assist me in considering the appropriateness of the mitigation measures. NRW have confirmed that the use of woodland planting can reduce emissions by at least 25%, in addition the ecology survey recommends that the area of woodland affected are not of particular value for lichens or woodlands. Therefore, the critical level of ammonia for the site is 3 micrograms of ammonia per cubic metre. Having considered the additional information and the advice provided by NRW it is considered that the proposed additional woodland planting would be appropriate compensation for the residual impacts on the ancient woodland.

Having reviewed the submitted plans and associated information as well as advice received from NRW regarding the matter it is considered that subject to appropriate planning conditions being included to secure the proposed compensation measures, it would be possible to consider that the proposed development would 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.**

In addition concerns have been raised by local residents regarding the potential for the ammonia and nitrogen emissions to negatively impact protected species associated with waterbodies present in the Wet Covert south-east of the proposed development – I have

been contacted by a number of local residents who have advised me that great crested newts and white clawed crayfish have been found to be present in these habitats. In order to determine the likely significance of the proposed development to this habitat and associated species I requested further information with regards to the application.

In response to this request an Addendum to - A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Egg Laying Chicken Houses at Lower House Farm, near Clyro in Powys produced by AS Modelling & Data Ltd. dated 5th august 2017 was submitted. The report identifies that the proportion of nitrogen deposited from air-borne ammonia that might enter water-courses cannot be accurately known; however, due to mineralisation in soils and uptake by plants, it is likely to be quite a small proportion compared with fertiliser or manure applications from which nitrogen loss to run-off can be greater than half of the total nitrogen applied. A precautionary estimate of 50% of deposited nitrogen has been accepted by regulators and nature conservation bodies elsewhere. Assuming a precautionary 50% of the deposited nitrogen is available as run-off this is approximately 100 kg-N per year from area of 39 ha of the high resolution modelling domain, which might enter local water-courses and then might ultimately end up in the water-bodies at Wet Covert.

The report concludes therefore that if it is assumed 50% may enter water-courses the entire contribution from nitrogen deposited from air-borne ammonia from the proposed egg laying chicken houses at Lower House Farm would be equivalent to the contribution from approximately 1 ha of arable land, or 2 ha of pasture and probably similar to the likely contribution from a typical smallholding in the area.

A Drainage Assessment for the proposed development has been produced by Hydrogeo dated 24/03/2016, details of the identified drainage plans are shown on drawing no. HA2164103 Rev B dated Dec 2016.

Surface water runoff from hard surfaces will receive treatment in accordance with the SUDS Manual. Surface water runoff from the site will not be discharged to the River Wye.

Dirty 'washdown' water from cleaning the poultry buildings will be collected to underground storage tanks. The storage tanks will be sized to provide storage capacity over an above the storage volume within the trench soakaway. The 'dirty water' stored in the underground tanks will be taken off-site and spread on farm land in accordance with the manure management plans.

Foul water, from the development will discharge to an adequately sized septic tank where it will be treated before being discharge to a drainage field.

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

A Manure Management Plan produced by Berrys has been submitted with the application. The manure management plan considers the manure that would be produced by all existing livestock numbers at the farm as well as the additional manure produced by the proposed development, existing livestock at the farm produces manure which will require 36.66ha the manure produced by the proposed development will require 55.91ha of land when allowing

for the 250kg N/hectare limit in accordance with the CoGAP – therefore a total area of 92.57ha is required. The plan identifies that to meet with biosecurity requirements the manure produced by the poultry unit will be spread at Cefn-y-Blaen Farm, there will be no spreading of manure in any part of the field SO19475791 due to the proximity to the Rhos Goch SAC, the total area available for spreading poultry manure on Cefn-y-Blaen Farm is therefore 165.56ha. The manure management plan identifies that no manure will be spread within 10m of any watercourse. The manure management plan includes a Contingency Plan detailing plans for storing any manure, slurry and dirty water produced at times when spreading may not be possible. Details have been provided to demonstrate that sufficient land holding capacity to enable the spreading of manure at below the CoGAP guidance of 250kg/N per hectare. The measures identified within the document are considered to be in line with current guidelines regarding manure management and **it is recommended that the adherence to and implementation of the identified measures is secured through an appropriately worded condition.**

No Pollution Prevention Plan has been submitted with the application, the measures identified with regards to site drainage and management of surface water runoff, dirty water and foul water are considered appropriate to ensure no negative impacts from pollution during the operation of the proposed poultry unit.

In addition Pollution Prevention measures need to be implemented during the construction phase of the development – NRW have also identified in their response dated 27/04/2017 that Construction Pollution Prevention Measures need to be implemented – **it is therefore recommended that the submission of a Construction Pollution Prevention Plan prior to the commencement of development is secured through an appropriately worded condition.**

A Phase 1 Environmental Appraisal was undertaken by Greenscape Environmental Ltd. in February 2016, a report dated April 2016 detailing the findings of the surveys has been submitted to inform the application.

In my response dated 30/08/2016 I noted that the applicant has confirmed that there will be no requirement to alter the existing access to the site and therefore no requirement for hedgerow removal, NRW confirmed that in light of this they consider that the proposed development would not be detrimental to the favourable conservation status of dormice populations in the local area. However having reviewed the drawing no. HA2164103 Rev B dated Dec 2016 it is noted that the plan appears to identify that the hedgerow along the A438 will be moved behind the required visibility splay. NRW have identified in their responses that *if it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal.* Given the plans appear to indicate there will be requirements for access improvements including the translocation for a length of hedgerow consideration needs to be given as to whether sufficient information has been provided to enable the LPA to comply with its duty under the Conservation of Habitats and Species Regulations 2010 (as amended). A review of available records identifies that dormice have been recorded within 300m of the proposed development.

Where European protected species are considered likely to be present and it has been identified that there is a potential for an offence under the Conservation of Habitats and Species Regulations 2010 (as amended) to be committed a European protected species

licence may be required to allow the works to proceed, as part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2010 (as amended) have been met prior to determining the application. If the Wildlife Licensing Unit at Natural Resources Wales (NRW) is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

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

In order to address the 3rd test it is considered that appropriate mitigation would need to be identified. The proposed mitigation will need to be demonstrated to be achievable and located in a suitable location and appropriate to the species identified.

In addition NRW have requested that a Scheme of Reasonable Avoidance Measures for great crested newts is secured through a planning condition, again given the impact to hedgerows potential terrestrial habitat for this species consideration needs to be given as to whether sufficient information has been provided to enable the LPA to comply with its duty under the Conservation of Habitats and Species Regulations 2010 (as amended). A review of available records identifies that great crested newts have been recorded within 500m of the proposed development.

As NRW are a statutory consultee with regards to European protected species weight has to be given to their advice with regards to potential impacts to these species, however I would advise you to consider as to whether the inclusion of the conditions recommended by NRW is appropriate to ensure that the LPA is complying with its requirements under the Conservation of Habitats and Species Regulations 2010 (as amended) as well as National and Local Planning Policies.

In order to ensure minimal impacts to nocturnal wildlife including foraging and commuting bats, careful consideration will need to be given to lighting design associated with the proposed development, this is required to minimise impacts to nocturnal wildlife commuting and foraging in the local area. I therefore recommend that a lighting design condition is included should planning permission be granted.

The Environmental Statement identifies that any lighting on the site will be kept to a minimum required for a safe working environment. 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.**

Therefore subject to the LPA satisfied that appropriate information has been submitted to enable the LPA to comply with its duties in relation to European protected species – dormice and great crested newts – and to demonstrate that the application complies with the requirements of the Three Tests in relation to EPS should you be minded to approve the application I recommend inclusion of the following conditions:

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 identified on shown on drawing no. HA2164103 Rev B dated Dec 2016 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 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 Report produced by Hydrogeo dated 24/03/2016 and shown on drawing no. HA2164103 Rev B dated Dec 2016 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 Construction Phase Pollution Prevention Plan 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.

The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal Report by Greenscape Environmental Ltd dated April 2016 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.

Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to dormice prepared by a suitably qualified and experienced ecologist

identifying the measures that will be put in place to ensure that dormice populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and 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 commencement of development a detailed Reasonable Avoidance Method Statement with regards to great crested newts prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that great crested newt populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and 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.

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.

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 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.

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

It is an offence for any person to:

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

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If

a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Response Received 3rd January 2018

Thank you for consulting me with regards to the additional information submitted with regards to planning application P/2016/0397 which concerns an application for Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works at Lower House Farm, Clyro, Hereford .

Further to my comments dated 15th September 2017 additional concerns were raised by 3rd parties regarding potential for the proposed development to impact a population of white clawed crayfish in a pool within Wet Covert.

Given the proximity of the pool to tributaries of the River Wye and taking into account the fact the covert lies within the flood zone associated with the River Wye it was identified that there was potential for a population of white clawed crayfish present within wet covert to be connected to the River Wye. As white clawed crayfish are a qualifying feature of the River Wye SAC it was identified that further consideration was required with regards to the Habitats Regulations Assessment of the planning application to establish whether the proposed development would result in a Likely Significant Effect to the River Wye SAC and/or its associated features.

In order to ensure the LPA complies with its requirements under the Conservation of Habitats and Species Regulations 2017 with regards to Habitats Regulations Assessment of Projects which have the potential to impact European Sites the Habitats Regulations Assessment Screening undertaken in August 2016 has been reviewed and updated.

In order to determine the Likely Significant Effect of the proposed development to white clawed crayfish consideration was given to the potential for the development to negatively impact the quality of the aquatic habitat in Wet Covert. The following were identified as potential factors which could result in negative impacts to water quality:

- Improper management of surface, dirty and foul water at the development site;
- Impacts to water quality from manure generated by the proposed development;
- Aerial emissions from the proposed poultry unit – Ammonia and Nitrogen deposition.

These potential sources of impact to water quality and white clawed crayfish have been considered below.

Site Drainage

A Drainage Assessment for the proposed development has been produced by Hydrogeo dated 24/03/2016, details of the identified drainage plans are shown on drawing no. HA2164103 Rev B dated Dec 2016, the measures proposed in the drainage strategy was considered in my previous response dated 15th September 2017 and NRW have provided comments regarding the drainage strategy, to summarise the drainage plan identifies that:

- Surface water runoff from hard surfaces will receive treatment in accordance with the SUDS Manual. Surface water runoff from the site will not be discharged to the River Wye.
- Dirty 'washdown' water from cleaning the poultry buildings will be collected to underground storage tanks. The storage tanks will be sized to provide storage capacity over

an above the storage volume within the trench soakaway. The 'dirty water' stored in the underground tanks will be taken off-site and spread on farm land in accordance with the manure management plans.

- Foul water, from the development will discharge to an adequately sized septic tank where it will be treated before being discharge to a drainage field.

It is considered that the identified measures for the management of foul, dirty and surface water are appropriate to avoid negative impacts to biodiversity at the site and the wider environment during operation of the site.

Manure Management

A Manure Management Plan produced by Berrys has been submitted with the application, the details of which were reviewed in my previous comments dated 15th September 2017 regarding the application. The manure management plan considers the manure that would be produced by all existing livestock numbers at the farm as well as the additional manure produced by the proposed development, existing livestock at the farm produces manure which will require 36.66ha the manure produced by the proposed development will require 55.91ha of land when allowing for the 250kg N/hectare limit in accordance with the CoGAP – therefore a total area of 92.57ha is required.

The Plan identifies that to meet with biosecurity requirements the manure produced by the poultry unit will be spread at Cefn-y-Blaen Farm, the total area available for spreading poultry manure on Cefn-y-Blaen Farm is therefore 165.56ha – sufficient to accommodate the manure generated by the proposed development. Cefn-y-Blaen Farm is over 1.5 miles from the proposed development site and over 3km from the River Wye SAC.

The manure management plan identifies that no manure will be spread within 10m of any watercourse. The manure management plan includes a Contingency Plan detailing plans for storing any manure, slurry and dirty water produced at times when spreading may not be possible. Details have been provided to demonstrate that sufficient land holding capacity to enable the spreading of manure at below the CoGAP guidance of 250kg/N per hectare. The measures identified within the document are considered to be in line with current guidelines regarding manure management

Aerial Emissions

During the process of reviewing the HRA Screening for the River Wye SAC to take into account the concerns raised regarding potential for impacts to a white clawed crayfish population at Wet Covert it was identified that further technical advice was required regarding the potential for aerial emissions from the proposed poultry farm to impact Wet Covert and the associated white clawed crayfish population which has been identified as having potential to be connected to the River Wye SAC and therefore significant negative impacts to white clawed crayfish within the pool at Wet Covert would have the potential to result in Significant negative impacts to the River Wye SAC.

In response to a previous request for additional information to assess the potential for the ammonia and nitrogen emissions to negatively impact protected species associated with waterbodies present in the Wet Covert south-east of the proposed development an *Addendum to - A Report on the Modelling of the Dispersion and Deposition of Ammonia from*

the Proposed Egg Laying Chicken Houses at Lower House Farm, near Clyro in Powys produced by AS Modelling & Data Ltd. dated 5th august 2017 was submitted. The report identifies that the proportion of nitrogen deposited from air-borne ammonia that might enter water-courses cannot be accurately known; however, due to mineralisation in soils and uptake by plants, it is likely to be quite a small proportion compared with fertiliser or manure applications from which nitrogen loss to run-off can be greater than half of the total nitrogen applied. A precautionary estimate of 50% of deposited nitrogen has been accepted by regulators and nature conservation bodies elsewhere. Assuming a precautionary 50% of the deposited nitrogen is available as run-off this is approximately 100 kg-N per year from area of 39 ha of the high resolution modelling domain, which might enter local water-courses and then might ultimately end up in the water-bodies at Wet Covert.

The report concludes therefore that if it is assumed 50% may enter water-courses the entire contribution from nitrogen deposited from air-borne ammonia from the proposed egg laying chicken houses at Lower House Farm would be equivalent to the contribution from approximately 1 ha of arable land, or 2 ha of pasture and probably similar to the likely contribution from a typical smallholding in the area.

In order to ensure the potential impacts of aerial emissions from the proposed development were properly considered during the Habitats Regulations Assessment, technical advice was sought from NRW Air Pollution Experts, a response to this request for advice and clarification of likelihood of significant negative impacts to white clawed crayfish in Wet Covert was provided by NRW on the 22nd November 2017 – a copy of this response was also sent to yourself – the advice concludes that NRW do not believe that the aerial emissions that would result from the proposed development would have a significant effect on white clawed crayfish in Wet Covert. Full details of justification as to why this conclusion has been reached are provided in NRW's email White –clawed crayfish (*Austropotamobius pallipes*) – Lower House Clyro dated 22nd November 2017.

Having taken into account the information submitted with the application as well as technical advice provided by NRW experts it is considered that the proposed development would not result in a Likely Significant effect to the River Wye SAC and or its associated features – including an outlier white clawed crayfish population at Wet Covert. I have updated the HRA Screening Assessment to include this information and have attached a copy for your records.

As identified in previous responses the other European Site which was identified as having potential to be impacted by the proposed development is Rhos Goch SAC. I have reviewed the findings of the HRA Screening for this Site and associated features undertaken in August 2016 and consider that the findings of this assessment remain valid – I have attached a copy of this screening assessment for your reference.

Therefore to summarise my previous recommendations regarding the application which I consider remain valid in light of additional assessment of the proposed development and the potential for impacts to biodiversity subject to the LPA being satisfied that appropriate information has been submitted to enable the LPA to comply with its duties in relation to European protected species – dormice and great crested newts – and to demonstrate that the application complies with the requirements of the Three Tests in relation to EPS should you be minded to approve the application I recommend inclusion of the following conditions:

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 identified on shown on drawing no. HA2164103 Rev B dated Dec 2016 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 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 Report produced by Hydrogeo dated 24/03/2016 and shown on drawing no. HA2164103 Rev B dated Dec 2016 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 Construction Phase Pollution Prevention Plan 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.

The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal Report by Greenscape Environmental Ltd dated April 2016 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.

Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to dormice prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that dormice populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and 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 commencement of development a detailed Reasonable Avoidance Method Statement with regards to great crested newts prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that great crested newt populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and 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.

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.

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 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.

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

It is an offence for any person to:

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

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Natural Resources Wales

Response received 13th May 2016 –

Thank you for consulting Natural Resources Wales (NRW) about the above application.

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

We have significant concerns with the proposed development as submitted. We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application.

Summary of Requirements

Requirement 1 – Manure: The applicant will need to submit a manure management plan in support of this application if the applicant intends to spread the manure on land within the applicants' ownership/control.

Requirement 2 – Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal.

Requirement 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Requirement 4 – Bats: submission of a light spillage scheme.

Protected Sites: Air Quality

We have reviewed the Detailed Modelling prepared by Steve Smith, AS Modelling and data Ltd that supports the planning application and have the following comments to make.

Where a N2K/SSSI has not been progressed to detailed modelling (Table 6) we have used the highest predicated PC from Table 5.

Cwm-gwanon Dingle & Pasture SSSI

Background ammonia is 1.14µg/m³ and background nitrogen deposition is 26.04kgN/ha/yr. The ammonia critical level is 3µg/m³ and the nitrogen critical load is 10 – 20kgN/ha/yr for the site.

The farm contribution to ammonia is 0.04µg/m³ (1.47% of critical level) and to nitrogen is 0.343N/ha/yr (3.43% of the critical load).

Cors Ty-llwyd SSSI

Background ammonia is 1.14µg/m³ and background nitrogen deposition is 16.52kgN/ha/yr.

The ammonia critical level is 1µg/m³ and the nitrogen critical load is 10 – 15kgN/ha/yr for the site.

The farm contribution to ammonia is 0.014µg/m³ (1.4% of critical level) and to nitrogen it is 0.0728N/ha/yr (0.7% of the critical load).

Moity & Garth Dingles & From Wood SSSI

Background ammonia is 1.14µg/m³ and background nitrogen deposition is 26.04kgN/ha/yr. The ammonia critical level is 3µg/m³ and the nitrogen critical load is 10 – 20kgN/ha/yr for the site.

The farm contribution to ammonia is 0.024µg/m³ (0.8% of critical level) and to nitrogen it is 0.187N/ha/yr (1.87% of the critical load).

Hen-allt Common SSSI

Background ammonia is 1.49µg/m³ and background nitrogen deposition is 16.66kgN/ha/yr. The ammonia critical level is 1µg/m³ and the nitrogen critical load is 10 – 15kgN/ha/yr for the site.

The farm contribution to ammonia is 0.016µg/m³ (1.6% of critical level) and to nitrogen it is 0.0832N/ha/yr (0.8% of the critical load).

Rhos Goch SAC

Background ammonia is 1.42µg/m³ and background nitrogen deposition is 17.64kgN/ha/yr. The ammonia critical level is 1µg/m³ and the nitrogen critical load is 5 – 10kgN/ha/yr for the site.

The farm contribution to ammonia is 0.01µg/m³ (1% of critical level) and to nitrogen it is 0.052N/ha/yr (0.5% of the critical load).

River Wye SAC

Background ammonia is 1.42µg/m³ and background nitrogen deposition is 17.64kgN/ha/yr.

The ammonia critical level is 3µg/m³ and the nitrogen critical load set for the transitional mire feature is 10 - 15kgN/ha/yr for the site however this feature is not present within the area modelled.

The farm contribution to ammonia was modelled as 0.134µg/m³ (4.47% of critical level) and the farm contribution to nitrogen was modelled as 0.697N/ha/yr (7% of the critical load).

Following this more detailed modelling was undertaken with regards to the River Wye SAC and this demonstrated that the farm contribution to ammonia is actually 0.1µg/m³ (3.33% of critical level) and to nitrogen it is 0.79N/ha/yr (7.9% of the critical load).

Having reviewed the detailed model, we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are within the thresholds that we use for assessing impacts of aerial emissions on designated sites.

Although not a matter on which NRW would normally advise, we want to bring to your attention that the calculations for process contributions to the nearby woodland may be wrong and possibly too high. For nearby ancient woodland, the farm contribution is in excess of 700% of the lower critical level (Table 6), which is a very high contribution for the system being proposed. The current threshold for contributions to critical levels of ammonia on sensitive habitat (ancient woodland) would be 100% of the critical load and therefore this would be a significant exceedance. NRW recommend that Powys County Council seek clarification of that calculation from the applicant to help inform their decision. It is recommended that you establish whether the applicants have based the annual average on the peak ammonia emissions expected during clear out at week 55, or if this is this an accurate calculation of annual average ammonia emissions. If these predicted level are accurate then it may be necessary to consider ammonia abatement measures.

We note that the ancient woodland Gibbons Covert is undergoing extensive restoration funded through Glastir Woodland Restoration Grant from the Welsh Government. It is suggested in the Environmental Statement that this restoration would be appropriate mitigation for any ammonia impact. NRW advise that it would be usual to rely on additional measures for mitigation and not on measures already committed under a separate initiative.

Water Quality

It is noted that the applicant has submitted a detailed plan showing the layout of the proposed drainage system. In it the water is divided into foul water from the sheds and clean water from the roof which is in line with NRW advice. The drainage plan also illustrates how clean water will be discharged to a soakaway to the east of the building and will not be discharged into the adjacent watercourse. The applicant demonstrates in the plan that all dirty water from the yard and sheds will be directed towards a sealed dirty water tank during clean out and this will be used to store wash water before it is tankered off site. The tank will be located to the west of the building away from any watercourses which is in line with NRW advice however NRW would advise that the dirty water tank which will be installed as part of this proposal should be constructed to meet SSAFO Regulations (Wales) 2010.

The work should also be compliant with all appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted during construction.

The application also includes the installation of a septic tank and soakaway to accommodate the foul water from the toilet in the control room and this is also located to the west of the proposed unit also away from the adjacent water course. Under the Environmental Permitting Regulation 2010, there is a requirement to register all septic tanks. A septic tank can be registered on-line at the following link:

<https://naturalresources.wales/apply-for-a-permit/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

Manure Management Plan

Requirement 1 – Manure: The applicant will need to submit a manure management plan in support of this application if the applicant intends to spread the manure on land within the applicants' ownership/control.

It is estimated that the new unit will generate 338 tonnes of manure per cycle (55 weeks). The applicant has not submitted a manure management plan but have explained that all manure will be removed from the site as manure cannot be spread within 1.5 miles of the site for biosecurity reasons and that if necessary the manure will be transported to Cefny Blaen (HR3 5SH) which is another farm which is in the applicants ownership for storage within a manure storage building. It is best practice to store manure in a store until it can be safely spread however NRW would recommended that the store should be SSAFO compliant. If it is necessary to store any manure in temporary field storage heaps then it should be stored in accordance with COGAP.

It is not clear in the application if the manure will be spread on Cefny Blaen or on any other farm in the applicants' ownership/control or if it will be sold off the farm. If the applicant intends to spread the manure from the unit on land within the applicant's ownership/control it will be necessary for the applicant to submit a manure management plan in support of this application.

The plan should demonstrate that the applicant has sufficient land to spread the manures produced by the proposed development alongside the other manure generated on the farm at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen /ha.

Concern has been raised about spreading manure at because Cefny Blaen because part of this farm is located within the catchment of the Rhos Goch SAC which is highly sensitive to increases in nutrients. The Plan should identify areas where manure spreading should not take place including around ditches, watercourses and sensitive sites (including the nearby protected sites i.e. Rhos Goch SAC). It is advised that a 10m buffer should be maintained around watercourses and any other sensitive areas. No spreading should take place within 50m of springs, wells and boreholes (CoGAP).

Consideration must also be given to the phosphate contained with the manures and residual amounts in the soils to ensure that crop requirement is not exceeded. It is recommended that routine soil sampling is undertaken for pH, phosphate and magnesium, and that manure and fertiliser application rates be adjusted as required to meet the requirement of the crop.

Spreading of manure should be carried out in accordance with the CoGAP (i.e. not on wet, waterlogged, frozen, snow covered or steeply sloping ground).

When Powys County Council undertake a HRA assessment for this scheme it is recommended that Rhos Goch SAC be considered in the assessment as well as the River Wye SAC if manure is to be spread on Cefny Blaen however provided the applicant is able to demonstrate that the manure will be managed in such a way as to not impact on Rhos Goch SAC through the manure management plan then NRW would be able to agree that the scheme would not have a likely significant effect on Rhos Goch SAC.

Environmental Permitting Regulations

Should the proposal increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2010 would be required from Natural Resources Wales.

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.

Protected Species

Dormice

The local area is a sensitive locality with respect to dormice (closest record is 0.37km), currently the plans do not propose that any hedge will be removed, however it is noted that the Highways Authority have asked the applicant to submit further information about the access in-order to establish whether it is suitable.

There is a farm building to the west of the current entrance and a hedge to the east of the entrance. If it is necessary to improve the entrance following advice from the Highways Authority and this affects the adjacent hedge then NRW would advise that it will be necessary to consider the potential impact on dormice and the hedge would have to be checked for dormice before removal. If a substantial stretch of hedgerow is required for removal (over 20m) then NRW would recommend connectivity enhancements along the hedge-line to the north of the proposal to connect the two blocks of woodland adjacent to the site.

Requirement 2 – Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and if necessary a mitigation proposal.

Great Crested Newts

NRW advise that the potential for detrimental effects of the overall proposal on the great crested newt needs to be addressed. NRW currently have a record of great crested newts 440m away from the development and have been made aware of standing water within Wet Covert less than 250m away from the proposed development. We consequently consider there to be a reasonable likelihood that this species is present on the site.

The Great Crested Newt is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

NRW would expect the permission to be conditioned to include proposals to deliver the following to ensure that the proposal would not be detrimental to the favourable conservation status of the population of GCN present in the locality;

1. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures (RAMs);
2. Submission and implementation of long term conservation scheme.
3. If shown to be present, works to be carried out under licence.

Should it be confirmed that the application site supports European Protected Species, Great Crested Newt, we advise that development may only proceed, under a derogation licence issued by Natural Resources Wales, who is the appropriate authority responsible for issuing

licences under Regulation 53 (2) (e) of the above Regulations. This licence can only be issued for the purposes of:

“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that;

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

Requirement 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Bats

The scheme is unlikely to directly affect bats because it is to be located within an agriculturally improved field and currently the plans do not involve the removal of any mature trees or hedges. However the proposed poultry unit is located in close proximity to areas of mature deciduous woodland which has been identified as supporting trees with high bat potential and therefore the light from the development could indirectly impact on these bats.

Therefore NRW recommend that the planning application be conditioned to ensure that a light spillage scheme, detailing positions and technical specifications of light sources, be submitted to and approved in writing by the Local Planning Authority. Lighting on site should be kept to a minimum and restricted to core activity areas. Development of the light spillage scheme should ensure that exterior security lighting is Passive Infrared (PIR) triggered.

Requirement 4 – Bats: submission of a light spillage scheme.

Natural Environment and Rural Communities (NERC) Act

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority’s general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision and management of “linear” and “stepping stone” habitats.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

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

Response received 18th August 2016 –

Thank you for consulting Natural Resources Wales (NRW) about the above application.

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

Summary of Conditions

Condition 1 –Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Condition 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Condition 4 – Bats: submission of a light spillage scheme.

Air Quality and Ancient Woodland

As mentioned in our previous letter (13/5/16) NRW would not usually comment on the impact of this type of development on ancient woodland and provided comments to your authority in order to assist you in assessing the potential impact of the scheme. NRW does not wish to comment further on the additional submitted information.

Manure Management Plan

In our previous correspondence NRW requested that a manure management plan be submitted in support of this application. Concern was raised about the spreading of manure at Cefn y Blaen (HR3 5SH), which is another farm in the applicant's ownership, because of its proximity to Rhos Goch SAC which is highly sensitive to nutrients.

The applicant has submitted a manure management plan in support of their application which shows that the farm has adequate area in order to be able to accommodate the manure at a rate which is CoGAP compliant 250kg of N/Ha/Year (the farm has 168.56Ha and the area needed to spread the manure is 92.57Ha). The plan also identifies areas where manure will be spread and any buffers and areas where manure will not be spread.

The field on the manure spreading map which includes part of the Rhos Goch SAC (Field SO19475791) appears to be divided into an area marked red for not spreading which is within the SAC and area of field which is marked as yellow which the manure management plan explains means that it can be used for spreading most of the year. There does not appear to be any buffer around the SAC where manure spreading will not take place.

NRW have reviewed the hydrology in this area and NRW recommend that no poultry manure is spread in this field. This is because it slopes down toward the SAC and the habitat includes

a series of spring fed mires that would be extremely sensitive to the risks of runoff or seepage of nutrient enrichment that could damage the fen meadow SAC feature. It is advised that the manure plan should be amended to add a 10m buffer along the boundary of the SAC where no manure spreading of any kind should occur and that no poultry manure should be spread in the remaining area shaded in yellow on the current plan. The application of livestock manures in the area marked yellow (excluding the 10m buffer along the boundary of the SAC) other than poultry manure should still be acceptable. Better monitoring of the nutrient levels of the soils in this field may help to alleviate this concern. NRW consider that the application of poultry manure to any part of this field could pose an unacceptable risk to maintaining the quality of the habitat on this part of the SAC.

Condition 1 –Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Condition 1 –Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Protected Species

Dormice

In our previous correspondence NRW suggested that if a hedge needed to be removed that the applicant would need to submit an avoidance and if necessary a mitigation proposal for dormice. The applicant has confirmed that no hedges will be removed, provided that this is the case NRW would agree that the scheme should not be detrimental to the favourable conservation status of the population of dormice present in the locality.

Great Crested Newts

In our previous correspondence NRW recommended that the permission be conditioned to include proposals to deliver the following:

1. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures (RAMs);
2. Submission and implementation of long term conservation scheme.
3. If shown to be present, works to be carried out under licence.

The applicant has agreed to this condition and provided this condition is applied and adhered to then the scheme should not be detrimental to the favourable conservation status of the population of great crested newts present in the locality.

Condition 2 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Bats

NRW explained in our previous correspondence that because the proposed poultry unit is located in close proximity to areas of mature deciduous woodland which has been identified as supporting trees with high bat potential there is concern that light from the development could indirectly impact on these bats. NRW recommended that the planning application be conditioned to ensure that a light spillage scheme be submitted. The applicant has now agreed to this condition, provided that this condition is applied and adhered to the scheme should not be detrimental to the favourable conservation status of the population in the locality.

Condition 3 – Bats: submission of a light spillage scheme.

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

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

Response received 30th August 2016

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

Summary of Conditions

Condition 1

Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SQI 9475791.

Condition 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Condition 4— Bats: submission of a light spillage scheme.

Air Quality and Ancient Woodland

As mentioned in our previous letter (13/5/16) NRW would not usually comment on the impact of this type of development on ancient woodland and provided comments to your authority in order to assist you in assessing the potential impact of the scheme. NRW does not wish to comment further on the additional submitted information.

Manure Management Plan

In our previous correspondence NRW requested that a manure management plan be submitted in support of this application. Concern was raised about the spreading of manure at Cefn y Blaen HR3 5SH). Which is another farm in the applicants ownership, because of its proximity to Rhos Goch SAC which is highly sensitive to nutrients.

The applicant has submitted a manure management plan in support of their application which

shows that the farm has adequate area in order to be able to accommodate the manure at a rate which is CoGAP compliant 250kg of N/Ha/Vear (the farm has 168 56Ha and the area needed to spread the manure is 92.57Ha) The plan also identifies areas where manure will be spread and any buffers aid areas where manure will not be spread.

The field on the manure spreading map which includes part of the Rhos Goch SAC (Field SOI 9475791) appears to be divided into an area marked red for not spreading which is within the SAC and area of field which is marked as yellow which the manure management plan explains means that it can be used for spreading most of the year. There does not appear to be any buffer around the SAC where manure spreading will not take place.

NRW have the hydrology in this area and NRW recommend that no poultry manure is spread in this field. This is because it slopes down toward the SAC and the habitat includes a series of spring fed mires that would be extremely sensitive to the risks of runoff or seepage of nutrient enrichment that could damage the fen meadow SAC feature. It is advised that the manure plan should be amended to add a 10m buffer along the boundary of the SAC where no manure spreading of any kind should occur and that no poultry manure should be spread in the remaining area shaded in yellow on the current plan. The application of livestock manures in the area marked yellow (excluding the 10m buffer along the boundary of the SAC) other than poultry manure should still be acceptable. Better monitoring of the nutrient levels of the soils in this field may help to alleviate this concern. NRW consider that the application of poultry manure to any part of this field could pose an unacceptable risk to maintaining the quality of the habitat on this part of the SAC

Condition 1 —Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Protected Species

Dormice

In our previous correspondence NRW suggested that if a hedge needed to be removed that the applicant would need to submit an avoidance and if necessary a mitigation proposal for dormice. The applicant has confirmed that no hedges will be removed, provided that this is the case would agree that the scheme should not be detrimental to the favourable conservation status of the population of dormice present in the locality.

Great Crested Newts

In our previous correspondence NRW recommended that the permission be conditioned to include proposals to deliver the following:

1. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures RAMs
2. Submission and implementation of long term conservation scheme.
3. If shown to be present, works to be carried out under licence.

The applicant has agreed to this condition and provided this condition is applied and adhered to then the scheme should not be detrimental to the favourable conservation status of the population of great crested newts present in the locality.

Response received 22nd September 2016

Thank you for consulting Natural Resources Wales about the above application. This letter is to be read in conjunction with our responses to this planning application on the 18/8/16 and the 30/8/16 which provides an explanation for conditions 2, 3 and 4.

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

Summary of Conditions

Condition 2— Dormice: If it is necessary to improve the entrance advice from the applicant should submit an avoidance: and (if necessary) a mitigation proposal.

Condition 3- Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Condition 4— Bats: submission of a light spillage scheme.

Protected Sites

Previously NRW have raised concerns about the potential impact that the scheme may have on the River Wye SAC and the Rhos Goch SAC.

Powys County Council have consulted NRW in relation to their Habitat Regulation Assessments for development in relation to both the River Wye SAC and Rhos Goch SAC. NRW are able to agree with the conclusions of the assessments.

In addition to this the applicant has submitted an amended manure management plan which demonstrates that a 10m buffer has now been put in place along the boundary of the Rhos Goch SAC within field S019475791 and the manure management plan also states that no poultry manure will be spread within field S019475791. Provided that the applicant adheres to the manure management plan then NRW will be able to agree that the applicant has fulfilled condition 1 listed in our letter dated the 30/08/16 and there is no longer a need to apply this condition.

Condition 1

—Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary & the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

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

Response received 28th October 2016

NRW have previously confirmed that provided the conditions we identified in our letter dated the 30/8/16 are attached to the planning permission we would not object to this scheme.

Air Quality

It is understood that the original air quality assessment for this development predicted a significant exceedance of the thresholds set for the adjacent ancient woodland. NRW do not usually comment on air quality within ancient woodland however we did highlight it as a potential issue in our letter dated the 13/5/16 and recommended that the assessment be checked to ensure that the correct annual average.

It is suggested in the Environmental Statement that restoration funded through the Glastir Woodland Restoration Grant Welsh Government would be appropriate mitigation for any ammonia impact. NRW advise that it would be usual to rely on additional measures for mitigation and not on measures already committed under a separate initiative. Also it should be noted that mitigation would usually involve measures to reduce the emissions or the impact of the emissions from the development.

It is understood that the applicant has submitted an ecological assessment of the adjacent ancient woodland to assess the value of the woodland. NRW do not wish to comment further as this matter does not fall within the checklist of matters which NRW comment on in relation to planning applications.

NRWs - Checklist 'Natural Resources Wales and Planning Consultations' (March 2015) is published on our website: (<https://naturalresources.wales/consulting-and-developments/planning-and-development/consulting>.) 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.

In summary NRW do not wish to comment further on this planning application in relation to the effect that aerial emissions will have on the adjacent ancient woodland and we recommend that you should only grant planning permission if you attach the conditions outlined in our letter dated the 30/8/16. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Response received 27th April 2017

Thank you for consulting us regarding the updated Environmental Statement for the above proposal received on 14th March 2017. The purpose of this letter is to clarify NRW's position following the updated Environmental Statement and representations from objectors.

We have previously responded in relation to this proposal as summarised in the table below;
CAS-18379-R4M7 13/05/2016 – Significant concerns with requirements
CAS-21665-R6K6 18/08/2016 – No objection subject to conditions
CAS-21665-R6K6 30/08/2016 – No objection subject to conditions
CAS-23183-L5V3 22/09/2016 – No objection subject to conditions
CAS-24677-ZOS8 28/10/2016 – Letter about air quality impacts on ancient woodland

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.

Please see Table 1 for details of the previous requirements and conditions and the current situation.

	Original Requirement	Conditions	Current situation
1	Manure: The applicant will need to submit a manure management plan in support of this application if the applicant intends to spread the manure on land within the applicants' ownership/control. CAS-18379-R4M7	Rhos Goch SAC: Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791. CAS-21665-R6K6	This requirement was met in the amended Manure Management Plan received by PCC and NRW on 24 th August 2016.
2	Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal. CAS-18379-R4M7	Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal. CAS-21665-R6K6 CAS-23183-L5V3	Carried forward as a condition Condition 1: Dormice: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.
3	Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence CAS-18379-R4M7	Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence. CAS-21665-R6K6 CAS-23183-L5V3	Carried forward as a condition Condition 2: Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.
4	Bats: submission of a light spillage scheme CAS-18379-R4M7	Bats: submission of a light spillage scheme CAS-21665-R6K6 CAS-23183-L5V3	Carried forward as a condition Condition 3 Bats: submission of a light spillage scheme

Protected Sites Air Quality

The effects of ammonia and nitrogen deposition have been previously examined and we responded in our letter dated 13/10/2016 CAS-18379-R4M7. Having reviewed the detailed model, we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are within the thresholds that we use for assessing impacts of aerial emissions on designated sites.

River Wye and Rhos Goch Special Area of Conservation

The likely significant effects on the River Wye and Rhos Goch Special Areas of Conservation have been considered and we commented in our letter dated 22/09/2016 CAS-23183-L5V3

“Powys Countu Council have consulted NRW in relation to their Habitat Regulation Assessments for this development in relation to both the River Wye SAC and Rhos Goch SAC. NRW are able to agree with the conclusions of the assessments.

Pollution Prevention - Construction and Management

Applications need to include appropriate pollution prevention measures to ensure that the water environments (both surface and groundwater) are not polluted during construction or operation of the site.

We acknowledge that the Drainage Assessment by Hydrogeo 24/03/2016 and latest plan HA21647103 Rev B Dated Dec 2016; partially address this issue in relation to the operation of the proposal. A commitment to avoidance of water quality impacts during construction is also necessary.

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 so as not to cause pollution of controlled waters. It is an offence under Regulations 38 of the Environmental Permitting Regulations 2016 to cause or knowingly permit a water discharge activity

All works II 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.netres.org.uk/environmental-topics/poUution-prevention-quidelines-ppgs-and-replacement-series/guidance-for-pollution-apps-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.

Site Drainage Plan

Clean, uncontaminated surface waters should be disposed of by means of sustainable drainage principles. Any soakaways should be directed away from existing surface waters. The development must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

We also advise applicant of the need ci sure that any effluent tank must be constructed to meet SSAFO Regulations (Wales) 2010. In addition the manure trailer should be sealed and be sheeted to prevent leakage if it is sited on the yard.

The work should incorporate appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

For our latest comment we understand the as represented on HA21647103 Rev B Date Dec 2016.

The drawing shows

- The division of clean and foul water
- The clean water being discharged to a soakaway to the east of the building
- Dirty water from the yard and sheds being directed towards dirty water tank
- A septic tank and drainage field to the east
- A spring at 322296, 244767

The Drainage Assessment by Hydrogeo 24/03/2016 5.3 refers to foul drainage from the toilet in the control room going to septic tank then being treated before being discharged to River Wye SAC, however. the drainage plan shows a septic tank drainage field and does not show pathway to discharge in the River Wye SAC. The septic tank drainage field is shown very close to the surface water soakaway and the applicant would be strongly advised to check whether this is acceptable under Building Regulations.

The section below on Environmental Permitting is relevant to the site drainage plan as the grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is applicant's responsibility to ensure that all relevant authorisations are obtained before any work commences on site.

Environmental Permitting

- Intensive Farming

Should the subsequent planning application increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2010 would be required from Natural Resources Wales.

- 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.

- 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

- Septic Tank Package Treatment Plant

Under the Environmental Permitting Regulation 2016, there is a requirement to register all septic tanks. A septic tank can be registered on-line at the following link:

[https://npturalresources.wales\)pDDIy-tor-a-permiVwater-discha ster-vour-septic-tank 'T1ent0lant%!](https://npturalresources.wales)pDDIy-tor-a-permiVwater-discha ster-vour-septic-tank 'T1ent0lant%!)

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

All wash water and manures arising from poultry units must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil (Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice

Roof water from units with low velocity roof extraction should be treated as lightly polluted and directed to a constructed soakaway, swale, pond or reed bed.

Undesignated Sites and Ancient Woodland

As a result of representations on the matter and to provide assistance to the LPA our letter 13/05/2016 CAS-18379-R4M7 addressed this issue. Our position was further clarified in 28/10/2016 CAS-24677-ZOS8 and we will not be providing further comment.

Scope of NRW Advice

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. 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.

Response received 22nd November 2017

Aerial ammonia concentrations and nitrogen deposition impacts on white-clawed crayfish (*Austropotamobius pallipes*)

Please find below NRW's response regarding your query in relation to the possible impact of ammonia on white-clawed crayfish.

Ammonia critical levels and nutrient nitrogen critical loads have been developed for terrestrial habitats and not aquatic systems. White-clawed crayfish are a freshwater species found normally in flowing water, residing below the water surface and therefore not exposed to aerial ammonia concentrations nor to aerial nitrogen deposition. By being below the water surface they are protected from the direct effects from aerial ammonia concentrations and nitrogen deposition.

Aerial ammonia (NH₃) gas dissolves in water quite easily. Approximately 31g of ammonia gas can dissolve in 100ml of water at 25°C under laboratory conditions. This chemical reaction with water results in a solution of ammonium hydroxide which is alkaline. The situation in the field is not the same as laboratory conditions and the dissolution of ammonia into the pond water is likely to be markedly less, due to wind patterns, topography, tree shelter belts. In terms of ammonia contributing to increasing the acidity of the pond. It is true that ammonia does contribute to acid deposition. For this to occur the ammonia needs to react with acidic pollutants such as the products of sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions to produce fine ammonium (NH₄⁺) containing aerosol. The time taken for the reactions that would produce ammonium occur over further distances (10 – 100km) than in this case and therefore not likely to give rise to acid deposition over the short distance. Much of the ammonia from the proposed poultry farm will be in the form of the dry gas and this is not likely to cause increased acidity in the pond for the reasons given above.

To conclude we do not believe that the aerial emissions from the proposed Poultry Farm at Lower House Clyro will have a significant effect on the white-clawed crayfish in wet covert.

Cadw

Response received 12th May 2016

Thank you for your email of 25 April 2016 inviting our comments on the planning application for the proposed development as described above.

Our 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 or registered historic parks and gardens. 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 issues concerned with listed buildings and conservation areas.

The proposed development is located within the vicinity of the scheduled monuments known as RD067 Castle Kinsey and RD148 Lower House Moated Site

The application area is inside 300m of RD148 Lower House Moated Site and 635m of RD067 Castle Kinsey; however, the intervening topography and existing vegetation completely screens all views to and from the scheduled areas and therefore the proposed development will have no impact on the designated monuments.

The application area may be visible from the Clifford Castle scheduled monument and could have an impact on the setting of that designated monument, consequently we advised you to consult Historic England on this aspect of the application. The proposed development could also have an impact on undesignated archaeological sites and therefore the archaeological advisors to Powys County Council, Clwyd-Powys Archaeological Trust should be consulted on this aspect of the application.

Response received 2nd November 2016

Thank you for your consultation, the additional information include new plans showing changes to the foul drainage system and improvements to the visibility splay for the site access along with reports on ecology and ammonia and manure management. This information will not alter our previous advice dated 12 May 2016.

Historic England

Thank you for your letter of 12 May 2016 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Welsh Water

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

Sewerage

Dwr Cymru Welsh Water has no objection to the proposed development.

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

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as a 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 recharged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. Please ensure an 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.

Welsh Historic Gardens Trust

No comments received at the time of writing this report.

Welsh Government Planning Division

No comments received at the time of writing this report.

Tourism Officer:

I am writing with reference to the above planning application to express my views on the proposed development in terms of its potential impact on tourism in this part of Powys. And also on its impact on an existing tourism business which is located in very close proximity of the applicant site, Lower House Farm, Cyro, HR3 5RU.

In May 2010, Black Mountain View Caravan Park opened for business, and was granted permission for an extension in January 2016, taking the site to its current capacity of 54 units. The owners of the site are extremely concerned that the proposed development of two large poultry units, access track and treatment works within 15Gm of their site will be detrimental to the successful operation of their business, and will impact negatively on their ability to attract visitors: particularly those in tents and touring caravans.

Having visited the site on 5th July 2017, and having seen the proximity of the proposed development, I can understand the concerns of the owners of Black Mountain View Caravan Park.

Since opening the site, a thriving rural business has been developed at Black Mountain View, offering exactly the type of peaceful, rural retreat sought by the type of visitors that as a County, we are actively trying to attract to Powys. The main target audience for this business are families, young active groups and older retired couples who stay in the area on short breaks, and frequently return to the area. Close proximity to the Hay on Wye, The Black Mountains, the River Wye for activities and the Offa's Dyke National trail make this site very popular throughout the main holiday period, and as numerous review sites suggest, the business is providing a high quality visitor experience and attracting a considerable volume of repeat visitors.

Sites such as Black Mountain View stimulate considerable direct visitor spend into the local economy and support numerous other rural businesses indirectly. The Caravan and camping sector accounts for 38% of all staying visitors to Mid Wales*, and the economic value of the non-serviced accommodation sector in Powys was £481.29 million in 2015*.

The average economic contribution of a holiday caravan in Wales is £25,500 per unit per annum, with a touring/tent pitch valued at £15,500 per pitch per annum, a large proportion of which is spent in the local area. The average economic impact of a site such as Black Mountain View based on the number of pitches they currently offer would be £758,500 per annum. [Research from Visit Wales Visitor Survey 2016 and Powys CC STEAM report 2015.]

The site owners have submitted their own detailed objections to the proposed development, and having visited the site, I can understand their concerns in relation to the potential negative impacts which they feel could undermine the viability of their business. As the caravan site's key visitor market are staying mainly in touring caravans and tents, the potential odour impacts due to the direction of the prevailing wind could be significant, particularly during the summer period when odour emissions will be at their highest level at the very same time that visitor numbers are at their peak.

In more general tourism terms, I have concerns that the visual impact of the two large poultry units, in direct view from the main A438 arterial route into Powys from England, and possible odour emissions during the peak tourism season could also impact on the general visitor population in this very scenic part of Powys, and particularly on walkers using the Offa's Dyke National Trail which is in very close proximity. Offa's Dyke is one of only three National Trails in Wales, and is one of Powys County Council's priority promoted walking routes: in addition to being heavily promoted in national marketing campaigns by Visit Wales and Visit Britain as the linking route for the Wales Coastal Path which allows walkers the opportunity to walk all the way around Wales, this particular section of National Trail from Bronydd village to Hay on Wye, which runs adjacent to Black Mountain View Caravan Park, is very popular with both visitors and local people as it provides a direct walking link of 3-4 kilometres alongside the River Wye into the very popular market town of Hay on Wye. The development site will be visible from the National Trail, the A438 trunk road and in an area of otherwise uninterrupted and scenic views of the Wye Valley and Black Mountains.

The most recent Wales Visitor Survey from 2016 asked visitors about their motivations for visiting Wales, and of the visitors to Powys surveyed, 70% came to enjoy the landscape and countryside, and the main outdoor activity they undertook while in Powys was walking. When surveyed about satisfaction levels with their visit to Powys, satisfaction with the Quality of

the Natural Environment scored highest, at 9.3 out of 10 (where a score of 1 = very dissatisfied and 10 = very satisfied.) P Research from Visit Wales Visitor Survey 2016]

While I fully understand the need for diversification within the agricultural sector, I would ask the planning committee to give careful consideration to the impact this type of development could have on the very tourism assets which are the primary motivator in attracting visitors to Powys, and the associated economic benefit that those visitors bring into the County.

Representations

The application was advertised through the erection of a site notice and press advertisement. 104 letters of objection and one petition of 41 names has been submitted. The majority of these comments have been made in opposition to the proposed development and these are summarised below;

- Concerns over the impact of the proposed development on residential amenity
- Concerns raised over the impact of noise and odour on residential amenity on nearby residents, residents of Bronydd and the wider community
- Conflict between neighbouring land uses
- Proposed development could have a detrimental impact on established tourism enterprise, including but not limited to Black Mountain Caravan Park and walking routes
- The supporting information has failed to consider sensitive receptors in close proximity to the development
- Concerns over impact on Scheduled Ancient Monuments
- Concerns regarding the potential landscape impact of the proposed development
- Landscape an visual impact of the proposed development on public rights of way, including the Offa's Dyke National Trail
- Impact on landscape and visual amenity when driving along the A483
- The development will appear as industrial development rather than rural development
- Landscape and Visual Impact Assessment did not take into consideration alterations to the highway
- Lack of information regarding the use of solar panels on the development
- Significant amount of earthworks and the building will have a detrimental impact on the character and appearance of the area
- The development would be a substantial addition to the landscape which is defined as open countryside
- Size and scale of the proposed development will mean the development would not assimilate into the surrounding landscape character even if there is additional landscaping
- Inappropriate application for this site
- Questions raised regarding the accuracy of information submitted – particular mention is given to the odour assessment
- Regional nor site specific meteorological data is used which is not specific to the valley – potential for katabatic wind (cold drainage flow)
- Clean out period has not been considered in the odour report
- In future bird numbers could increase and would take odour levels above those determined as acceptable within the modelling

- The visibility required by conditions recommended by Highways cannot be complied with
- Road speeds are regularly in excess of 60mph – fast and dangerous road
- Highway data is underestimated and does not provide a correct picture of accidents on the highway
- The applicants wanted to provide for 30,500 – this should be assessed now
- Development is not in the interest of public health or safety
- Vehicles with reversing warning noise have not been mentioned in the operational noise
- Loading pallets in to HGVs has not been assessed in the noise report
- Tents should have been assessed as they are more sensitive receptors and Lower House Barn should be assessed
- Continual and fluctuating noise of fans would have an unacceptable impact on the amenity of the area for visiting tourists and permanent residents.
- Is the application truly viable – information should be submitted to ensure that the application is not unviable
- Farm diversification has already taken place at Lower House Farm
- Concerns regarding white clawed cray fish and Habitats Regulations Assessment
- No formal assessment of Wet Covert has been undertaken
- Gibbons Covert should not be used as mitigation
- Potential serious impacts on SACs, EPS, Ancient Woodland, Human and Animal Welfare.
- Site should be located at applicants home at Cefn y Blaen rather than at Lower House Farm
- Rainwater falling on ground immediately around the building should be considered as lightly polluted
- No information on how water is to be separated between soakaway and off site and no information regarding where the water will be taken to off site
- Manure Management Plan makes no reference to trailers being sealed and sheeted to prevent leakage
- Public Authority must seek to maintain and enhance biodiversity in the exercise of its functions
- Lighting will affect the rural landscape and nearby caravan park
- How are the Council considering cumulative development
- Dust from the development is a substance hazardous to health
- Concerns raised over potential pollution problems

Radnorshire Wildlife Trust

Radnorshire Wildlife Trust (RWT) wishes to object to this planning application which presents a number of significant concerns relating to its potentially damaging impact upon legally protected sites and species and the wider environment.

RWT shares a number of the concerns outlined in the objection letter submitted by Natural Resources Wales: the potential for disturbance and harm to be caused to legally protected species, including: bats, dormice, great crested newt and white-clawed crayfish.

Chief among our concerns is the proximity of the RWT Cwm Byddog Nature Reserve less than 300 metres from the proposed development. The ancient oak trees at Cwm Byddog are

some of the oldest trees in Radnorshire and support one of the best examples of a lichen dominated community (called the Lecanactidetum premneae) found in the county. British examples of this community are of global importance since the loss of ancient trees and atmospheric pollution have decimated it across western Europe. This community is highly sensitive to ammonia pollution and this needs careful research as part of the determination of this planning application. Planning officers need to ensure that this point has been adequately addressed as this is just the type of scenario where the Local Authority will be called to account for its action when reporting back to the Welsh Government on the 'Future Generations Goals' as it is now legally obliged to do so.

Within the Cwm Byddog Nature Reserve is the 'Castle Kinsey' Scheduled Ancient Monument (SAM) which is referred to by CADW in the comments they have contributed as part of this process. CADW state that the SAM is wholly screened by woodland cover from any visual intrusion by this proposal, however, the main viewing point and seat at the eastern end of the nature reserve looks towards Lower House Farm and the proposed development.

Wildlife Trust Nature Reserves are places for quiet recreation and enjoyment and are afforded protection under Powys County Council Local Development Plan policies, as such any visual intrusion or other nuisance caused by the proposed development upon the quiet enjoyment of visitors to Cwm Byddog has to be a material consideration for planning officers as part of this process. RWT is concerned about the potential for noise, dust and smell to disturb and maybe even harm visitors (we understand the stench from these units can on occasion cause vomiting in some people, as observed at a similar unit at Walton, Presteigne on 1st January 2016) to the nature reserve.

RWT shares the concerns expressed by the Woodland Trust within their objection letter regarding the impact upon the Gibbons Covert Plantation on Ancient Woodland Site (PAWS).

RWT is concerned that the Environmental Statement supplied with the application has missed the existence of Crack willows beside the River Wye SAC at NGR SO 233 457 and the moss species *Myrinia pulvinata* and notes that its populations in Britain are of global significance. It is considered Near Threatened in the UK Red Data Book and is Nationally Scarce. Will these populations be negatively impacted upon by this development if it were to proceed?

As always, please do not hesitate to contact RWT should you need clarification or further information on any of the points we have raised.

Woodland Trust

As the UK's leading woodland conservation charity, the Woodland Trust (Coed Cadw) aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,000 sites across the UK, covering around 20,000 hectares (5,000 acres) and we have 500,000 members and supporters.

Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since at least AD1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between

plants, animals, and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be re-created and cannot afford to be lost.

The Woodland Trust objects to the planning application on the basis of damage to Gibbons Covert (grid ref. SO221446) a Plantations on Ancient Woodland and also as a Restored Ancient Woodland and Wet Covert (grid ref. SO223445), an Ancient Semi Natural Woodland, both woodlands are designated as such on Natural Resources Wales Woodland Inventory (AWI).

The Welsh Assembly has recognised that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland and its value as biodiversity resources through the publication of Planning Policy Wales (2014) paragraph 5.2.9 which states "Trees, woodlands and hedgerows are of great importance both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and area of woodland where they have natural heritage value or contribute to the character and amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage."

It states within the Design and Access Statement, the Environmental Impact Assessment and the report on the modelling of the dispersion and deposition of ammonia the following:

"the modelling predict that the proposed development of the poultry unit would be an exceedance of 100% (the Environment Agency's upper threshold for non-statutory sites) of the Critical level of 1.0UG – NH₃/m³ over approximately 1.8 ha of nearby Awws (approximately 1.7 ha at Gibbons AW and less than 0.1ha of the Wet Cover AW)."

It then goes on to state:

"The Gibbons AW is currently undergoing extensive management improvements as part of the Glastir Woodland Restoration grant from the Welsh Assembly. This has resulted in the felling of a large amount of trees and replanting with native broadleaves trees. The area being replanted covers 2.3 hectares. This work will improve the quality of the woodland and with other additional planting proposed, which will cover a total of approximately 0.2 hectares, as part of the landscape scheme is considered to mitigate for any impact on ancient woodlands from ammonia."

Ammonia deposition causes local and widespread eutrophication; the increase and accumulation of chemical nutrients. Eutrophication can alter the composition of plant communities, changing competitive interactions that determine relative species abundance and diversity by differentially stimulating plant species growth.

Due to the close proximity of proposed poultry unit to ancient woodland the site will be impacted by an increase in the amount of ammonia that is present on site. This increase in ammonia over time will impact on the ancient woodland and slowly change the composition of the site and cause significant damage to the ancient woodland.

We note that within the planning application the restoration of the adjacent ancient woodland is being proposed as 'mitigation' for the damage that will take place within the ancient woodland. The Woodland Trust is of the opinion that compensation measures as proposed by the applicant should not be included as a benefit in the application which will have a serious negative impact on ancient woodland.

In conclusion the Woodland Trust objects to this application due to the significant damage which will occur to the ancient woodland.

NFU Cymru

I am writing in regard to the planning application for the proposed erection of two poultry units along with access track and associated landscaping works on land forming part of Lower House Farm; reference P/2016/0397.

Whilst the NFU is not in a position to comment on the site location and individual planning issues raised by this application – this is a matter for Powys County Council – we support productive, progressive and profitable agriculture including the expansion of the British Poultry industry such as that proposed by Mr Andrew Lloyd and his family. This expansion is important to help secure the future of Mr Lloyd's farming business and in turn will also support businesses and create employment in the local area.

According to Defra the poultry meat sector was 87% self-sufficient in 2015. The NFU has highlighted the decline in the UK's self-sufficiency in recent years and new ventures such as this will help to reverse this disturbing trend. If granted permission, Mr Lloyd's application will allow him to erect two poultry units that will house parent stock laying hens along with cockerels for fertile egg production. The eggs laid will be collected and taken to a hatchery. The offspring will go into broiler production cycles, thus providing more British poultry meat and subsequently assisting with the target of increasing self-sufficiency figures in the UK.

The global population is set to grow by 30% by 2050; much of this growth will be in developing countries, where increasing wealth is leading to richer diets including more animal protein. This information points towards a need for local authorities to recognise the need for a strong and growing farming industry when considering planning applications for modern and efficient developments. In the short, medium and long term, reliance on imports of staple food products will simply not be sustainable.

I recognise the conflicting demands of the planning process, and the need to maintain the integrity of the local environments, but felt that the market demands on this important industry should be known by your planning department. I am sure when considering this application for permission to construct two modern and efficient poultry units that you will consider the importance of such developments to the local rural economy and the need for the UK poultry industry to grow,

Planning History

P/2009/0744 - Full: Erection of a free range table poultry house and improvements to existing access. Conditional Consent.

P/2008/1537 - Outline: Erection of a free range poultry house. Conditional Consent.

SO/2016/0003 - Screening Opinion: Proposed Poultry Units. Environmental Impact Assessment Required.

Principal Planning Constraints

Pipeline Buffer
Historic Landscapes Register - Outstanding
River Wye SAC

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 20 – Planning and the Welsh Language (2017)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Natural Environment and Rural Communities Act (2006)

Local Planning Policy

- Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage
SP4 – Economic and Employment Developments
SP6 – Development and Transport
SP14 – Development in Flood Risk Areas
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
ENV14 – Listed Buildings
ENV17 – Ancient Monuments and Archaeological Sites

ENV18 – Development Proposals Affecting Archaeological Sites
EC1 – Business, Industrial and Commercial Developments
EC7 – Farm/Forestry Diversification for Employment purposes in the Open
Countryside
EC9 – Agricultural Development
EC10 – Intensive Livestock Units
RL6 - Rights of Way and Access to the Countryside
TR2 – Tourist Attractions and Development Areas
DC1 – Access by Disabled Persons
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

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

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

Environmental Impact Assessment Regulations 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 2017, 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”.

Planning History

The application site had previously benefitted from outline planning permission for the construction of a free range poultry house. Following this a full application was submitted in 2009 (P/2009/0744) for a free range table poultry house and improvement to the existing access. The poultry unit measured approximately 925 square metres and would house 10,169 birds. This was granted consent on the 22nd October 2009.

A letter on file, dated the 8th May 2014, from a Planning Officer stated that information and photographs had been submitted which demonstrated improvements to the access as required by conditions in the consent had been undertaken. The Officer confirmed that the works constituted the commencement of 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

Lower House 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.

For the purposes of LANDMAP, the proposed site of development is located within the 'Rolling hills, south-east' aspect area which is characterised as an attractive traditional pastoral landscape with strong field patterns and well laid hedges, typical of Radnorshire. Whilst the settled, attractive and tranquil nature of the aspect area is acknowledged, LANDMAP suggests that it is not uncommon or distinctive and therefore the overall visual and sensory value is defined as moderate. Notwithstanding the above, it is noted that the land located immediately to the south of the application site lies within the 'Lower Wye Floor' aspect area, the visual and sensory value of which is classified as high given the prominence and relationship with the River Wye.

The application site comprises of agricultural land located approximately 40 metres to the north east of the existing building complex and occupies a prominent location adjacent to the highway. Whilst the southern area of the application site adjacent to the highway is relatively flat, it is noted that the land rises to the north. Existing field boundaries comprise of hedgerow to the south and mature woodland to the east.

A Landscape and Visual Impact Assessment was submitted in support of the application and following concerns being raised by Officers over the potential landscape impact of the development it was revised in February 2017.

The Landscape and Visual Impact Assessment (LVIA) outlines the characteristics of the host landscape and thereafter assesses the potential landscape and visual impact of the proposed development from key receptors including residential properties, public highway, the rights of way network and nearby settlements. Included within the assessment is a landscape mitigation proposal which indicates;

- Planting of native species trees on the south eastern side of the proposed development;
- Retention of the deciduous woodland blocks to the north and north east;
- Construction of a bund and planting of native woodland trees on land immediately to the north east of the development;
- Implementation of a new hedgerow linking the existing farmstead with the existing block of woodland located to the north of the proposed building.

In addition to the above, the LVIA confirms that the lower portion of the site will be re-profiled in order to integrate the proposed development and reduce the building's profile in an attempt to reduce associated landscape and visual impact.

The Assessment states that the site comprises established pasture of medium landscape value which is also of moderate value. The Assessment states that the proposed development will be viewed as an extension to the established agricultural use at the site. The proposed development will be visible from a very limited number of locations to the south and east of the site and the materials used in the construction will reduce the visual prominence of the proposed buildings. Additional landscaping mitigation proposed will provide effective screening from the limited number of locations identified as being potential receptors for

visual impact. The assessment states that the mitigation proposals will be effective in screening or significantly reducing significantly the visual impact from most locations.

Concerns have been raised in relation to the Landscape and Visual Impact of the proposed development on users of the adjoining A483. The revised Landscape and Visual Impact Assessment concludes that there will be slight adverse effects on local paths and the A483, however these will reduce over time as the landscaping scheme becomes more established.

The landscape mitigation proposes a line of additional native woodland planting to the south-east of the building along the A483 and to the north-west of the building. A block of planting is also proposed to the north of the site adjacent to the existing area of woodland.

The proposal involves the construction of two poultry sheds, feed bins and hardstanding and associated landscaping and would be located adjacent to the existing farming 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 could 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 whilst the development would have an impact on the surrounding landscape, and particularly from the adjacent road, it is not considered sufficient to warrant refusal of the application on this ground.

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 whilst the development would have an impact on the surrounding landscape, and particularly from the

adjacent road, it is not considered sufficient to warrant refusal of the application on this ground.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed grouping 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, securing the implementation and retention of existing and proposed landscaping whilst also requiring details of existing and proposed ground levels to be provided. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed thereby safeguard the Powys landscape in accordance with relevant planning policy, in particular policies SP3, ENV2, EC1, EC9, TR2 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 an improved access off the county class I highway (A438) located immediately to the south whilst parking and turning provision will be provided within the application site boundary. The supporting planning statement indicates that the main vehicular movements associated with the proposed poultry development are as follows;

- Delivery of 'point of lay' birds at the start of the cycle consisting of 2 articulated lorries per building over 2 days;
- Egg collection – 2 times a week using a single 18 tonne lorry;
- Feed delivery – 2 HGV lorries weekly;
- Collection of birds – end of cycle (55 weeks) using 4 articulated HGV's per building;
- Removal of litter – end of cycle using 23 tractor and trailer loads.

Following initial consultation, Members are advised that the Highway Authority recommended refusal of the application on the grounds that the scheme proposed the use of a substandard access in terms of its alignment. Subsequent to the above, an amended plan was received by Development Management which has since been subject to further review by the Highway Authority. Based upon the revised details, the Highway Authority has withdrawn their objection subject to appropriate conditions being attached to any grant of consent.

In light of the comments received and notwithstanding the third party concerns raised, Development Management is satisfied that the proposed development is capable of being served by an adequate means of access and therefore consider the scheme to be compliant with planning policy, particularly policies GP1, GP4, EC1 and EC10 of the Powys UDP.

Biodiversity and Ecology

SSSI's and 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) approximately 1048m from proposed development
- Rhos Goch Special Area of Conservation (SAC) approximately 4234m from proposed development
- River Wye (Lower Wye) Site of Special Scientific Interest (SSSI) approximately 1048m from proposed development
- River Wye (Upper Wye) SSSI approximately 1888m from proposed development
- Cwm-Gwanon Dingle and Pasture SSSI approximately 2373m from proposed development
- Moity and Garth Dingles and Fron Wood SSSI approximately 3716m from proposed development
- Rhos Goch (Rhos Goch Common) SSSI approximately 4234m from proposed development
- Cors Ty-Llwyd SSSI approximately 4356m from proposed development
- Hen-Allt Common SSSI approximately 4510m from proposed development
- Pen-Yr-Hen-Allt SSSI approximately 4769m from proposed development

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

- Cwm Byddog Radnorshire Wildlife Trust Reserve approximately 282m from proposed development
- 64 parcels of Ancient Woodland – closest parcel approximately 56m from proposed development

In support of the application a Detailed Modelling prepares by AS Modelling and Data Lts has been 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. NRW were consulted on the submitted information in relation to the designated sites and NRW confirmed that they are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are within the thresholds that they use for assessing impacts of aerial emissions on European and Nationally designated sites.

Concerns over the impact of the proposed development on Wet Covert to the south east of the site where third parties consider white clawed crayfish could be present were raised. As

white clawed crayfish are a feature of the River Wye SAC further information was sought from technical experts within NRW to ensure that the potential impact of aerial emissions from the proposed development were properly considered during the Habitats Regulations Assessment. NRW states that ammonia critical levels and nitrogen critical loads have been developed for terrestrial habitats and not aquatic systems. White clawed crayfish are a freshwater species normally in flowing water, residing below the water surface and therefore not exposed to aerial ammonia concentrations and nitrogen deposition. NRW advise that aerial ammonia gas easily dissolves in water. NRW state that much of the ammonia from the proposed poultry unit will be in the form of dry gas and this is not likely to cause increased acidity in the pond. NRW conclude that they do not believe that the aerial emissions from the proposed development will have a significant effect on the white clawed crayfish.

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

Ancient Woodland

The detailed ammonia and nitrogen modelling considered at the time the application was submitted identified that the proposed development would result in exceedance of the critical levels and load for approximately 1.8ha of nearby ancient woodland. NRW also identified in their response that the production of an acceptable ammonia abatement scheme may be necessary to reduce the impact of the proposed development to these areas of ancient woodland from the proposed development to an acceptable level. Further details were provided by the applicant regarding potential impacts to the areas of ancient woodland and proposed mitigation measures. The additional information submitted includes a Phase 1 Environmental Appraisal of Woodland Area which included an assessment of the areas of woodland in Gibbons Covert in the applicants ownership, other associated woodland was also briefly observed but is outside of the curtilage of the landowner. The associated woodland flora was assessed to determine the significance of the predicted ammonia emissions. The Environmental Statement identifies that plans have been revised to provide a total area of 1.6ha of woodland planting to mitigate for the impacts of ammonia – this is in addition to the 2.3ha of Gibbons Covert that has been re-planted. In addition the ecology survey recommends that the area of woodland affected are not of particular value for lichens or woodlands.

Having considered the additional information and the advice provided by NRW it is considered that the proposed additional woodland planting would be appropriate compensation for the residual impacts on the ancient woodland.

The Powys Ecologist does not object to the proposed development subject to this condition and other conditions relating to compensatory planting, 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 relevant policy, especially 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 Study dated April 2016 was submitted in support of the application. NRW were consulted on the submitted information and concluded that the proposed development would not be detrimental to the favourable conservation status of dormice populations in the local area. NRW have also requested that a scheme for Reasonable Avoidance Measures for great crested newts is secured through planning conditions.

Third parties have raised concerns over the potential impact of the proposed development on white clawed crayfish, which had been discussed above. Following further correspondence with NRW it was concluded that they did not consider that the proposed development would have a significant impact on white clawed crayfish.

Whilst the Powys Ecologist has commented that consideration needs to be given as to whether sufficient information has been provided to enable the Local Planning Authority to comply with its duty under the Conservation of Habitats and Species Regulations 2010. The Powys Ecologist however also stated that NRW are the statutory consultee with regards to European Protected Species and weight has to be given to their advice. As such, as no objection has been received from NRW subject to conditions being attached to any consent the development is therefore considered to comply with both local and national policies and relevant legislation.

With regards to the potential of the development to impact on nocturnal wildlife, including foraging and commuting bats, the Powys Ecologist has stated that careful consideration would need to be given to lighting associated with the development. Conditions requiring these details along with pollution prevention plan, reasonable avoidance measures and a woodland creation management plan has been requested and will be included in 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.

Water Quality

UDP Policy DC9 states that proposals which would unacceptably impact on water resources would not be permitted. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 establishes a legislative framework for the protection of surface waters (including rivers, lakes, transitional waters and coastal waters) and ground water throughout the EU.

Following consultation with Dwr Cymru Welsh Water offer no objection to the proposed development in relation to its impact on water resources. NRW in their response to the application note that the applicant has submitted detailed drawings showing the layout of the proposed drainage system. The plans demonstrate that clean water will be discharged to a soakaway and will not be discharged into the adjacent watercourse. The application also demonstrates that all dirty water from the yard and sheds will be directed towards a sealed dirty water tank before being tinkered off site. The tank will be located to the west of the building away from any watercourse which is in line with NRW advice.

NRW have also advised in relation to ammonia and nitrogen deposition regarding SSSIs and SACs and that this is in line with the relevant guidelines.

As such in line with recent guidance published by the Planning Inspectorate, as the development would not impact on pathways to Water Framework Directive water bodies it is considered that an assessment would not be required.

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 property not associated with the site is Lower House Barn (approximately 140 metres from the proposed building, approximately 40 metres from the red outline), a number of properties then lie to the south-west of this dwelling. The Black Mountains Caravan site lies approximately 300 metres to the north-east of 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 information 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.

Following concerns raised by third parties regarding the closest sensitive receptor to the site, an amended report was submitted in September 2017.

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 modelling predicts that at all of the residential receptors considered, the odour exposures would be below the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 0 ouE/m³ over a one year period."

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 Drainage Assessment was submitted in support of the application which concluded that there was adequate surface water provision at the site. Following consultation with Environmental Health no objection to the proposed drainage at the site has been received.

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 and identified that the surface water run-off would not be discharged to the River Wye, the dirty wash down water from cleaning the poultry buildings would be collected to underground storage tanks and that foul

water would be discharged to an adequately sized septic tank. The Powys Ecologist concluded that the identified measures for the management of four, dirt and surface water are appropriate to avoid negative impacts to biodiversity during the operation of the site.

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

Archaeology

Policy ENV17 states that development which would unacceptably affect the site or setting of a Scheduled Ancient Monument will not be permitted.

The Scheduled Monument Lower House Moated Site RD148 lies approximately 100 metres to the east of the proposed development. The Scheduled Ancient Monument lies to the far east of an area of ancient woodland and is screened from the proposed development by the existing ancient woodland, the A483 and the existing mature hedgerow along the southern boundary of the A483.

Due to the distance maintained, the existing screening and the additional screening proposed it is considered that the proposed development would not unacceptably affect the site or setting of Scheduled Ancient Monuments in accordance with policy ENV17 and Technical Advice Note 24 –The Historic Environment (2017).

Rights of Way and Tourism

UDP TR2 seeks to oppose development of any kind, which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions. The application site sits in the heart of rural Powys, an area that has a strong tourism industry in a variety of guises although it is noted that many tourists are drawn to the area for its scenic quality and utilise the public right of way network to enjoy the area. Policies RL4, RL6 and RL7 states that proposals that improve access to and enjoyment of the countryside will be encouraged.

Several representations have been received raising concerns that the proposed development will be of detriment to local tourism and their livelihoods or events. A letter from the Powys Tourism Officer has been submitted and makes particular comment on the impact of the proposed development on the Black Mountain View Caravan Park and subsequently on the tourism economy in Powys.

Whilst objectors and the Tourism Officer makes reference to potential impact of odour emissions on the Caravan Park consideration should also be given to the technical professional reports submitted with the application and the comments raised by the Environmental Health Officer who offers no objection to the proposed development. Whilst the concerns raised by objectors and the Tourism Officer is noted the evidence submitted and reviewed detail odour emissions that are in line with relevant guidelines.

With regards to landscape impact, it is noted in the landscape section of this report that the proposed development will be visible, especially in the early stages of construction and operation whilst the planting landscaping scheme is established. However the proposed

building will be grouped with the existing farm buildings and will be viewed adjacent to the existing farming operation as part of the rural landscape.

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.

RECOMENDATION

Development Management considers that the proposed poultry development is compliant with planning policy. 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 (Environmental Statement V2 (dated February 2017), Environmental Statement (dated March 2016), Highways Statement (dated 26th June 2017), Noise Impact Assessment (dated March 2016), Landscape and Visual Impact Assessment (dated March 2016), Phase 1 Environmental Appraisal of Woodland Area (dated September 2016), Manure Management Plan, Drainage Assessment (dated 23rd March 2016), Odour Dispersion Modelling Study by AS Modelling and Data (dated 19th March 2016 and 21st March 2016), Phase 1 Environmental Appraisal and Habitat Regulations Assessment (dated April 2016), Planning, Design and Access Statement) and plans (drawing no's HA21647 Rev A Dec 2016, HA21647/03 Rev B Dec 2016, HA21647/05 Rev A Dec 2016, HA21647 March 2016 (Unit Plans and Elevations).
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. The poultry units hereby permitted shall house a maximum of 23,500 birds.
7. Prior to the first beneficial use of the building 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.

8. The centre line of the first 20 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.
9. No other development shall commence until the access has been constructed so that there is clear visibility from a point 0.26 metres above ground level 15 metres distant from the edge of the adjoining carriageway and 15 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
10. 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 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.
11. Prior to the first beneficial use of the building, provision shall be made within the curtilage of the site for the parking of not less than 1 car and 1 heavy goods vehicle 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.
12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 7.3 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.
13. Prior to the first beneficial use of the building a radius of 12.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
14. Prior to the first beneficial use of the building 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.
15. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge to any part of the septic tank or its soakaway installation.
16. Upon formation of the visibility splays as detailed in Condition 9 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway

18. 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 LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [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
19. Feed deliveries and egg collections to and from site, feed hopper filling, building clean-out, litter loading and litter removal associated with this application, shall be carried out between the following hours, Monday to Fridays from 08.00 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and Public Holidays.
20. All building construction operations associated with the development (including soil movements and landscaping) shall be carried out between the following hours: Monday to Fridays 08:00 to 18:00 hours; Saturdays from 08:00 hours to 13:00 hours and at no times on Sundays, Bank and Public Holidays.
21. 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.
22. No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground. No manure shall be stored over field drains or within 10 metres of a watercourse.
23. All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.
24. All stored manure that needs to be covered shall be covered by the end of the day. The covering shall comprise polythene and placed in such a manner as to leave no gaps at the edges of the polythene and shall be tightly secured. All poultry manure that needs to be covered shall remain covered for a minimum period of 10 days before it is used.
25. Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.
26. The surface of the access hereby approved shall be constructed of hard materials to prevent visible dust formation when vehicles are using the access.
27. 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 identified on shown on drawing no. HA2164103 Rev B dated Dec

2016 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

28. 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 Report produced by Hydrogeo dated 24/03/2016 and shown on drawing no. HA2164103 Rev B dated Dec 2016 and maintained.
29. Prior to commencement of development a Construction Phase Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
30. The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal Report by Greenscape Environmental Ltd dated April 2016 shall be adhered to and implemented in full.
31. Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to dormice prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that dormice populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.
32. Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to great crested newts prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that great crested newt populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.
33. 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. 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. 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).
7. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
8. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
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15. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
16. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
17. To protect the amenities of the local residents in line with Powys UDP policy GP1
18. To protect the amenities of the local residents in line with Powys UDP policy GP1
19. To protect the amenities of the local residents in line with Powys UDP policy GP1

20. To protect the local amenities of the local residents from the excess of mal-odorous emissions in line with Powys UDP policy GP1.
21. To avoid runoff and prevent deterioration of the local amenities in line with Powys UDP policy GP1.
22. To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects in line with Powys UDP policy GP1.
23. To ensure that any flies or fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water in line with Powys UDP policy GP1.
24. To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area in line with Powys UDP policy GP1.
25. To protect the amenities of the local residents in line with Powys UDP policy GP1.
26. To protect the local amenities of the local residents from the excess of visible dust in line with Powys UDP policy GP1.
27. 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
28. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
29. 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.
30. 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.
31. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and 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.
32. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as

amended) and 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

33. 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.

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 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.

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

It is an offence for any person to:

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

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Environmental Health

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

If 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 I have no comment in this matter.

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 in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

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>

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

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

4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0444	Grid Ref:	311018.6 312889.79
Community Council:	Llangyniew	Valid Date:	Officer: 24/04/2017 Eddie Hrustanovic
Applicant:	Mr & Mrs N Proudlove & K Proudlove-Banks 56 Warrane Road, North Willoughby NSW 2068 Australia, 29 Camp Road, Phoenix New York 13135 USA		
Location:	Land adj Lon-Yr-Ywen, Pontrobert, Powys, SY22 6JT		
Proposal:	Outline: Proposed residential development of up to 5 no. 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 Pontrobert development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside.

The site is located immediately adjacent to the existing residential housing estate know as Lon yr Ywen on northern side of the village. To the north, east and west the site is bounded by agricultural fields, to the south the site is bounden by existing residential properties. To the north of the site existing small cemetery and a chapel is located. The site is gently rising upwards away from the residential properties in northern direction. 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 5 dwellings, including a provision of three affordable dwelling (2 open market + 3 affordable units). The indicative block plan submitted with the application details detached bungalow type dwellings with garages, located around shared private courtyard.

Consultee Response

Llangyniew Community Council

Council resolved not to support this application for the following reasons:

- Infrastructure of the Village.
- Type of properties being proposed.
- Road Access
- Volume of traffic
- No Local Needs houses
- Cannot sell properties already built in village

PCC - Highways (North)

Recommendations/Observations

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

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 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 Within 5 days from 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 U2988 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 area 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 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, shall be not less than 5.0 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.

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

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 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.

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.

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

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent

- 1st response

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 prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 2nd response

I can advise I have no issues with the sewerage proposals for site; to confirm foul sewage is to discharge to the public sewerage system and surface water is to discharge to the nearby watercourse.

PCC - Environmental Health

As the development will be connected to mains drainage I have no objection to the application.

PCC – Ecologist

- 1st response

Thank you for consulting me with regards to planning application P/2017/0444 which concerns an outline application for a proposed residential development of up to 5 no. dwellings, formation of vehicular access and associated works (some matters reserved).

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

The data search identified 406 records of protected and priority species within 500m of the proposed development – no records were for the site itself. Records of note include Great Crested Newts within 170m and Hazel Dormice within 850m of the proposed development site.

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

The proposed site for development is an area of improved grassland, hedgerows and scattered mature trees.

The well-established hedgerow boundary along with the mature trees noted on site could potentially form part of a corridor of habitat of high ecological value.

No ecology information has been submitted as part of the application.

Habitat Phase 1 and Protected Species Survey

An extended Phase 1 habitat survey will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Therefore it is considered that there is insufficient information with regard to potential impacts to protected or priority species and habitats to determine this application. Further information is required to be submitted prior to determination of the application.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP. Particular consideration should be given for the potential for the site to be used by Great Crested Newt, Hazel Dormice and Bats – particular attention should be given to the potential for the mature trees to support roosting bats.

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

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

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

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Tree and Hedgerow Protection Plan

Hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

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

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development including creation of new access or any associated works then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided.

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

This information could be secured through a planning condition, however the submission of a Tree and Hedgerow Protection Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Landscaping Planting Scheme

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. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development.

These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e.

details regarding locations, dimensions and numbers will need to be provided) and achievable.

- 2nd response

Thank you for consulting me with additional information submitted regarding planning application P/2017/0444.

The additional information submitted has been provided in response to a request for a habitat phase 1 ecological assessment to enable the LPA to assess the potential impacts of the proposed development to biodiversity.

Further to my previous response dated 15th August 2017 an Ecological Appraisal Report has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value. I have reviewed the Report produced by Turnstone Ecology Limited dated October 2017, I consider that the survey effort employed was in accordance with National Guidelines.

The site survey was carried out on the 27th September 2017 by Turnstone Ecology Ltd and consisted of a Phase 1 Habitat Survey and a Protected Fauna Survey and Habitat Suitability Assessment.

Habitats recorded on site were improved grassland, hedgerow and trees. Hedgerow for the northern, eastern and western boundaries of the proposed development site and the southern boundary being wire and post fence line with garden and residential housing beyond. There is a line of mature trees along the western boundary and mature pedunculated oak on the eastern boundary.

It is considered that the proposed developments will affect ecological poor improved grassland and the removal of approximately 15m of hedgerow (on the eastern boundary). The proposed new access will utilise an existing field gate and mown improved grass track.

The protected fauna survey assessment evaluated the habitats on site for suitability for protected fauna that occur in the area and for evidence of any protected species. It is considered that Hazel dormouse, bats and great crested newts could directly or indirectly be affected by the proposed development and appropriate design and mitigation will need to be adhered to ensure there will be no negative impacts on these species as a result of the proposed development.

There was no evidence of protected species found within or immediately adjacent to the proposed development site when the ecological survey was undertaken. However it was considered that there were habitats with limited suitability for bats, hazel dormouse, nesting birds, great crested newts and reptiles within or adjacent to the proposed construction areas.

Badger

The grassland and hedgerow bases were identified as providing suitable habitat for sett creation and foraging for badgers. The loss of area of improved grassland and section of hedgerow is considered unlikely to have a significant negative impact on foraging badgers

and given that no evidence of badgers were found during the survey it is unlikely that holes will be dug before construction works. To ensure that foraging badgers do not become trapped within any excavation works - it is suggested that any excavation work should either not be left uncovered overnight or a ways of escape for badgers should be provided.

Bats

Along the western boundary there are mature trees that were identified to have features that could support roosting bats along with the oak trees along the eastern boundary. The hedgerow boundary and trees provide suitable habitat for foraging and/or commuting bats. It is recommended that a lighting plan in line with the Bat Conservation Trust and Lighting in the UK guidance (2009) to be submitted ensuring direct lighting away from the retained trees on the boundary of the proposed development site and the use of down lighting to ensure suitable roosting features and foraging and commuting habitats remain unlit. The removal of the section of hedgerow may impact suitable commuting and foraging routes, therefore to mitigate the impact it is considered that re-planting a new hedgerow along the southern boundary and planting up the northern boundary hedgerow as well as additional trees will have potential to improve connectivity with the wider landscape. Provision of bat roosting opportunities will be incorporated in the proposed new development.

Hazel Dormouse

There are records of hazel dormouse within the vicinity of the proposed development site. It was identified in the survey that the eastern boundary hedgerow provides some suitable cover and food plants for hazel dormouse. However the hedgerows on the boundary were identified as being 'gappy' and lacked connection to the wider countryside to further suitable dormouse habitat. It was therefore considered unlikely that hazel dormouse would be present in the boundary hedgerow of the proposed development and that no further surveys or mitigation was considered necessary.

Nesting Birds

During the survey it was considered that the boundary hedgerow and trees present as all suitable for nesting birds but the presence of ground nesting birds in the improved grassland is unlikely. Therefore it is recommended that the removal of the hedgerow to take place outside of the breeding bird season (March-August inclusive). If this is not possible then a pre-construction bird survey should be completed prior to the removal of the hedgerow. It is recommended that bird nesting boxes to be provided on the proposed dwellings and on the trees on the site boundary.

Great Crested Newts

The survey considered that the hedgerow offered limited suitability for great crested newts as well as the grassland present unfavourable to the species. The survey did not identify any ponds within 250m of the proposed development site and it was considered that the proposed development site is poorly connected to any extensive suitable terrestrial habitat. Due to the distance between the site and the nearest pond and extent and suitability of habitat affected, the presence of great crested newts on or around the proposed development site was considered unlikely and no further survey or mitigation was considered necessary.

Reptiles

The survey identified that some sections of the hedgerow provided suitable habitat for reptiles therefore adoptions of safe working methods are implemented to ensure no reptiles are harmed during the works of the proposed development. Safe working methods include habitat

modification outside periods when reptiles are likely to be most active (March to October inclusive) and storage of materials and excavated earth kept to a minimum from site boundary.

Given the identified mitigation measures in section 4.3.2 of the ecological appraisal report I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

Therefore further to my previous response dated 21st September 2017 should you be minded to approve the application I recommend inclusion of the following conditions:

The mitigation measures in section 4.3.2 of the Ecological Appraisal report produced by Turnstone Ecology Limited dated October 2017 shall be adhered to and implemented in full and maintained thereafter 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 2016.

Prior to commencement of development a Tree 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.

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.

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.

NRW

- 1st response

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to request of further information and use of appropriate conditions.

Summary of Conditions

Condition 1 - ecology: Prior to occupation a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Condition 2 - ecology: Prior to commencement of works a Root Protection Area (RPA) plan shall be submitted to and approved in writing by the local planning authority.

Protected Species

We note that no ecological report was submitted with the application. We are unable to make informed comments on protected species without being consulted on an ecological.

- 2nd response

Thank you for consulting NRW on additional information for the above. We have read the Ecological appraisal dated October 2017 by Turnstone Ecology.

Based on the information contained in the report NRW has no significant concerns with regards to the impact the proposal is likely to have on protected species. We would like to re-iterate the comments made in our response letter of 19/06/2017 (CAS_34417-Q5J2) and suggest that a method statement is prepared and submitted prior to commencement of works.

The method statement must include:

- a lighting plan for bats
- root protection area plan
- any proposed ecological enhancements, new planting and bat boxes.
- Reasonable avoidance measures for reptiles and amphibians during the construction phase of the proposal.

PCC - Land Drainage

Further to receipt of the additional details submitted by Roger Parry & Partners, the LLFA would make the following comments/recommendations.

The additional details now submitted do indicate where an appropriate sustainable drainage facility could be sited together with any surface water outfall to the nearby watercourse. The additional details submitted also indicates a 'no built zone' (or sterile strip) to safeguard the existing ephemeral watercourse and shows the general route of the existing 'cut-off' ditch located to the rear of the existing properties at Lon-Yr-Ywen.

The LLFA finds it comforting to see that the additional details now submitted recognise the existence of the existing land drainage features, however further engineering detail shall be required at Reserved Matters stage to show how all existing and proposed land drainage and surface water management features are to be fully accommodated and or safeguarded as part of this development proposal, which shall include details on how these drainage features shall be managed / maintained and, indicate those parties responsible for their future maintenance.

As mentioned in earlier correspondence, the site is classed as 'Greenfield'. It is essential the proposed surface water drainage arrangements do not cause or create a flood nuisance on or off site, therefore, the proposed surface water flows should be equivalent to existing 'Greenfield' run-off in accordance with the principles of TAN15 – Development and Flood Risk. The LLFA would recommend that the surface drainage design shall adhere to the standards set out in Welsh Government's "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems", dated January 2017. A copy of this publication can be downloaded using the following link at <http://gov.wales/docs/desh/publications/151230-suds-standards-en.pdf>.

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.

The LLFA would recommend the follow condition is applied to any forthcoming approval.

Recommendation: Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

Reason: To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design.

Advisory: The erection of any proposed surface water drainage outfall structure to effect an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be found at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>.

PCC – Heritage

Thank you for consulting me on the above application.

I note the proposed site is opposite designated historic asset namely;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953

The chapel was built by the Calvinistic Methodists in 1800. In its early years it was a meeting place for one of the Rev. Thomas Clarke's circulating schools. John Hughes (1775-1854), a local weaver, taught here. In 1814 Hughes was ordained at Bala, became the minister of this chapel and a celebrated preacher, and remained here, living in the cottage attached to the chapel, until his death. The chapel and cottage are in uncoursed, white-painted stonework with a slate roof. Stone end chimneys. The building ranges south-west/north-east, and faces south-east to the road. The building has been restored to what is likely to have been its appearance before the alterations of the late C19 which converted it to a wheelwright or carpenter's shop. The building is listed II* A well-restored early chapel of the Calvinistic Methodist church, the character of which has been well protected including respect for its later history as a wheelwright's shop, listed also for its association with John Hughes, a prominent preacher, and Ann Griffiths, an important composer of Revival hymns.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The two storey whitewashed structure that is a well-restored early chapel of the Calvinistic Methodist church, the character of which has been well protected. The pulpit has been retained in what is believed to be its historic location, at the centre of the rear wall retaining much of its character both in construction and layout.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The chapel is associated with 2 persons of Welsh cultural interest.

The first is John Hughes after whom the chapel was named. In 1814 Hughes was ordained at Bala, became the minister of this chapel and a celebrated preacher, and remained here, living in the cottage attached to the chapel, until his death. His pulpit, said to date from 1835, is preserved in the chapel. In his old age, when unable to move from his bed in the cottage, a hatch in the dividing wall was formed so that he could continue to preach from there. John

Hughes' sermons have been published and he and his wife were instrumental in writing down the Revival hymns of Ann Griffiths. John Hughes and his wife Ruth preserved and published Ann's work in 1806 after her death as Ruth had been a maid at Ann Griffiths' farm in Llanfihangel-yng-Nqwynfa. It is also reported that Ann Griffiths also worshipped at this chapel in 1800 until her death in 1805.

Ann Griffiths is the second person associated with this chapel firstly because of the work of John Hughes and his wife in writing down her hymns but also Ann Griffiths prayed at this chapel and the chapel is on the Ann Griffiths Walk. Cardiff University have produced an Ann Griffiths website, and her works has been described as the highlight of Welsh Literature and containing some of the great religious poetry of Europe. His writings are now held at the National Library of Wales.

<http://www.anngriffiths.cardiff.ac.uk/contents.html>

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The chapel is one of 15 churches and chapels in north Montgomeryshire that are part of the Living Stones Heritage Trail and the chapel itself is part of a network of pilgrimage sites in operation across Wales which use ancient churches and chapels as places of healing and reconciliation. Daily prayers are said throughout the year and a Plygain takes places on Christmas morning.

http://www.living-stones.info/downloads/guides/12_John_Hughes_web.pdf

The building is evident externally as a small rural chapel, and its location, simplistic design and purpose evoke a sense of the religious and historical past.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I note that this chapel is open to the public and there are meditation and daily prayers. The chapel closed as a chapel 11 years after John Hughes' death when a new chapel was built in Pontrobert. The chapel remained empty until 1927 when it was sold to wheelwright. By 1983 an appeal was raised to buy the chapel from the descendants of the chapel to save it and in 1995 the chapel was reopened as a Centre for Christian unity and pilgrimage.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements

that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

It is noted that section 2.2 of Managing Setting of Listed Buildings which came into effect on 31 May advises that applicants for planning permission should provide the local planning authority with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application nor has been referred to in the accompanying Design and Access Statement.

The heritage asset has been identified as;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953.

The 1885 OS map of Pontrobert illustrates the evolution of the settlement with development originally clustered around the bridge with the area around the chapel identified as Pentre Uchaf and containing the chapel and chapel house the neighbouring property and the cemetery. There was a third property to the north of the cemetery that is now incorporated within the cemetery area. The layout of the area remained unchanged until the development of new properties at Lon yr Wen.

It is noted that there are 2 listed buildings in Pontrobert, John Hughes Chapel and The Old Rectory South East of the Village on the north side of the road to Dolobran, built in 1853 and contemporary with the construction of the parish Church.

The new development within Pontrobert is largely clustered around its historic core and as such retains a large element of its character in terms of the location and size of the new properties.

The proposal as submitted would extend that development northwards towards the grade II* listed building. The chapel is orientation on a NE to SW access with its primary windows overlooking th Pontrobert and proposed development.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

"•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
- What were its physical, functional and visual relationships with other structures/historic assets and natural features?
- What topographic features influenced its location?
- What was its relationship to the surrounding landscape?
- Was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:
- Has its function changed?
- What changes have happened to the surrounding landscape?
- Have changes happened because of changes to the historic asset?
- Has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
- Have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
- Were these relationships designed or accidental?
- How did these relationships change over time?
- How do these relationships appear in the current landscape; are they visual or buried features?

- Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

The chosen location of early non conformist places of worship is of interest with many of the early chapels located outside settlements. This appears to be the case with this chapel being located a little outside the then developed area of Pontrobert. This adds to the quiet reflective nature of this chapel and this in addition to the historical significance of John Hughes and Ann Griffiths contribute to its use as a Christian Pilgrimage.

The erection of dwellings as proposed would adversely affect this setting by effectively bringing this rural chapel into the developed area of Pontrobert.

The Cadw guidance on setting poses many questions to be considered in the evaluation of the setting of a historic asset in section 4.3 including;

- The visual impact of the proposed change of development relative to the location of the historic asset.
- Whether the proposed change or development would dominate the historic asset or detract from our ability to understand and appreciate it – for example, its functional or physical relationship with the surrounding landscape.
- The capability of a landscape setting to absorb change or new development without the erosion of its key characteristics.
- The impact of the proposed change or development on non-visual elements of the setting of and character of the historic asset, such as sense of remoteness, evocation of the historical past, sense of place, cultural identity or spiritual responses.
- The cumulative effect of the proposed change or development – sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to understand, appreciate and experience a historic asset.

The proposed development would be constructed adjacent to the chapel and the view from the listed chapel would be the rear of 2 properties. It is noted that this chapel is not only used for traditional services but is also one of the chapels used for pilgrimage and as such the views from the exterior are as important as the internal arrangement of the chapel.

The site adjacent to the chapel sloped steeply from the land and as such the properties will be elevated above the lane as is the Chapel, which would compound the effect that the proposal would have on the chapel. Whilst noting that there are a number of large trees in the hedge currently, these may not remain in the future.

In addition to the views from the Chapel the erection of dwellings on plots 4 and 5 would be higher than the lane that leads to the Chapel which is part of the Ann Griffiths Walk. The setting of the chapel would be severely affected by the construction of plots 4 and 5 when viewed from the lane that serves the chapel.

The proposed location of plot 3 would also affect the setting of John Hughes Chapel given its location on the plot, its relative height and would visually encroach on the rural character of the location of the chapel.

The Powys Unitary Development Plan reflects National Guidance with policy ENV 14 being applicable to all applications that are subject to proposals affecting listed buildings, Proposals for development unacceptably adversely affecting a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting account will be taken of the following;

1. The desirability of preserving the listed building and its setting;
2. The importance of the building, its intrinsic and historic interest and rarity;
3. The effect of the proposals on any particular features of the building which justified its listing;
4. The buildings contribution to the local scene and its role as part of an architectural composition;
5. The condition of the building and the benefit that the proposals would have to its state of repair;
6. The merits of the proposals in securing an appropriate alternative use of the building; and
7. The need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design, using materials in keeping with the existing building,

Cadw document Setting of Historic Assets in Wales suggests options to mitigate the impact of a proposed change or development. It is not considered that there would be any mitigation measures that would reduce the impact of plots 4 and 5 to an acceptable level. However there is potential for plots 1,2 and 3 to have mitigation measures that would reduce the impact, especially plot 3. It is noted that the application is made in outline and that the proposed layout plan is indicative only, and as such consideration could be given to plots 1,2 and 3 only, subject to the design and layout. If the principle of the development is acceptable in all other terms, sustainability, highways, neighbour amenity etc there is the potential for the careful design of plots 1,2 and 3 to be developed in a manner that would not affect the setting of John Hughes Chapel, possibly by reducing the size of the front gardens to re-locate them from higher ground and therefore less visible from the chapel, by careful roof design and materials, and an appropriate choice of materials.

However it would not be anticipated that the development of plots 1,2 and 3 would set a precedent for the future development of plots 4 and 5 and I would expect the proposed layout to illustrate this and for the row of mature trees to be retained and additional planting to be afforded to that area.

Whilst noting the reference to the current lack of housing land supply issues, and whilst accepting that housing provision is a material consideration, I am minded of Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses." Planning Policy Wales therefore places the primary material consideration to be the special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest.

I am aware of recent appeal decisions in Herefordshire and Gloucestershire where the balance of achieving housing land supply was considered against the legal requirements to have special regard to the desirability of preserving listed buildings, or their setting which

were subsequently dismissed in part because of the impact on the setting of the heritage assets.

Should a revised scheme be considered appropriate I would be pleased to comment on the revised plot layout if that would be useful. However if the proposal is to be considered in its current form. I would therefore wish to OBJECT to P/2017/0444 and would recommend refusal for the following reason.

The development would adversely affect the setting of the designated grade II* listed building John Hughes Chapel Cadw ID 7661. The chapel was originally constructed in a relatively isolated location some distance away from any settlement. The relationship between John Hughes Chapel and the surrounding countryside is significant. The erection of dwellings on plots 3,4 and 5 would change the character of the surroundings of the chapel from rural to enclosed by settlement which would be to the detriment of the legibility of the chapel in the landscape and which is the setting in which the chapel is understood. Since 1995 John Hughes Chapel has been restored as a Centre for Christian unity and pilgrimage and is one of 15 churches and chapels in north Montgomeryshire that are part of the Living Stones Heritage Trail and the chapel itself is part of a network of pilgrimage sites in operation across Wales which use ancient churches and chapels as places of healing and reconciliation. Daily prayers are said throughout the year. The erection of dwellings on plots 3,4 and 5 would not only affect the setting of the chapel in a visual by effectively encompassing the isolated chapel within more recent residential development and introducing a more suburban character to this area which currently has a rural character, but also by affecting non – visual elements of setting such as sense of remoteness, evocation of the historical past, sense of place or spiritual responses. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Plan Policies Policy SP3b, ENV14 and GP1.

- 2nd response

Thank you for consulting me on the amended plans to the above application which I understand have been produced in part to address the concerns I raised in my previous comments dated 5 August 2017

I note the proposed site is close to a designated historic asset namely;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953

The significance of the chapel was addressed fully in my previous comments and I shall not repeat them here except to confirm that the building is of significance architecturally and socially with its association with the non conformist movement in general and the individuals associated with this chapel which is retained as a chapel and place of pilgrimage and as such is important to the tourism in addition to the architectural history of Powys.

I note that the site directly adjacent to the chapel is now omitted from the plans with the proposed dwellings sited to the rear of 4,5, 6 and 7 Lon yr Wen.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The two storey whitewashed structure that is a well-restored early chapel of the Calvinistic Methodist church, the character of which has been well protected. The pulpit has been retained in what is believed to be its historic location, at the centre of the rear wall retaining much of its character both in construction and layout.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The chapel is associated with 2 persons of Welsh cultural interest.

The first is John Hughes after whom the chapel was named. In 1814 Hughes was ordained at Bala, became the minister of this chapel and a celebrated preacher, and remained here, living in the cottage attached to the chapel, until his death. His pulpit, said to date from 1835, is preserved in the chapel. In his old age, when unable to move from his bed in the cottage, a hatch in the dividing wall was formed so that he could continue to preach from there. John Hughes' sermons have been published and he and his wife were instrumental in writing down the Revival hymns of Ann Griffiths. John Hughes and his wife Ruth preserved and published Ann's work in 1806 after her death as Ruth had been a maid at Ann Griffiths' farm in Llanfihangel-yng-Nqwynfa. It is also reported that Ann Griffiths also worshipped at this chapel in 1800 until her death in 1805.

Ann Griffiths is the second person associated with this chapel firstly because of the work of John Hughes and his wife in writing down her hymns but also Ann Griffiths prayed at this chapel and the chapel is on the Ann Griffiths Walk. Cardiff University have produced an Ann Griffiths website, and her works has been described as the highlight of Welsh Literature and containing some of the great religious poetry of Europe. His writings are now held at the National Library of Wales.

<http://www.anngriffiths.cardiff.ac.uk/contents.html>

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The chapel is one of 15 churches and chapels in north Montgomeryshire that are part of the Living Stones Heritage Trail and the chapel itself is part of a network of pilgrimage sites in operation across Wales which use ancient churches and chapels as places of healing and reconciliation. Daily prayers are said throughout the year and a Plygain takes places on Christmas morning.

http://www.living-stones.info/downloads/guides/12_John_Hughes_web.pdf

The building is evident externally as a small rural chapel, and its location, simplistic design and purpose evoke a sense of the religious and historical past.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I note that this chapel is open to the public and there are meditation and daily prayers. The chapel closed as a chapel 11 years after John Hughes' death when a new chapel was built in Pontrobert. The chapel remained empty until 1927 when it was sold to wheelwright. By 1983 an appeal was raised to buy the chapel from the descendants of the chapel to save it and in 1995 the chapel was reopened as a Centre for Christian unity and pilgrimage.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

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Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

It is noted that section 2.2 of Managing Setting of Listed Buildings which came into effect on 31 May advises that applicants for planning permission should provide the local planning authority with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no

such assessment accompanied the application nor has been referred to in the Planning Statement.

The heritage asset has been identified as;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953.

The 1885 OS map of Pontrobert illustrates the evolution of the settlement with development originally clustered around the bridge with the area around the chapel identified as Pentre Uchaf and containing the chapel and chapel house the neighbouring property and the cemetery. There was a third property to the north of the cemetery that is now incorporated within the cemetery area. The layout of the area remained unchanged until the development of new properties at Lon yr Wen.

It is noted that there are 2 listed buildings in Pontrobert, John Hughes Chapel and The Old Rectory South East of the Village on the north side of the road to Dolobran, built in 1853 and contemporary with the construction of the parish Church.

The new development within Pontrobert is largely clustered around its historic core and as such retains a large element of its character in terms of the location and size of the new properties.

The proposal as submitted would extend that development northwards towards the grade II* listed building. The chapel is orientation on a NE to SW access with its primary windows overlooking the Pontrobert and proposed development.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

"•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
- What were its physical, functional and visual relationships with other structures/historic assets and natural features?
- What topographic features influenced its location?
- What was its relationship to the surrounding landscape?

- Was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:

- Has its function changed?
- What changes have happened to the surrounding landscape?
- Have changes happened because of changes to the historic asset?
- Has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
- Have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:

- Were these relationships designed or accidental?
- How did these relationships change over time?
- How do these relationships appear in the current landscape; are they visual or buried features?

- Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

The chosen location of early nonconformist places of worship is of interest with many of the early chapels located outside settlements. This appears to be the case with this chapel being located a little outside the then developed area of Pontrobert. This adds to the quiet reflective nature of this chapel and this in addition to the historical significance of John Hughes and Ann Griffiths contribute to its use as a Christian Pilgrimage.

The original submission adversely affected the setting of the chapel by effectively bringing this rural chapel into the developed area of Pontrobert. However the current proposal retains an open field adjacent to the chapel and cemetery, thereby creating a buffer between the listed chapel and the new development,

The Cadw guidance on setting poses many questions to be considered in the evaluation of the setting of a historic asset in section 4.3 including;

- The visual impact of the proposed change of development relative to the location of the historic asset.
- Whether the proposed change or development would dominate the historic asset or detract from our ability to understand and appreciate it – for example, its functional or physical relationship with the surrounding landscape.
- The capability of a landscape setting to absorb change or new development without the erosion of its key characteristics.

- The impact of the proposed change or development on non-visual elements of the setting of and character of the historic asset, such as sense of remoteness, evocation of the historical past, sense of place, cultural identity or spiritual responses.
- The cumulative effect of the proposed change or development – sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to understand, appreciate and experience a historic asset.

The retention of the parcel of land adjacent to the chapel does provide for a buffer of rurality to be afforded to the chapel. The tree line/hedgerow with trees between the small parcel of land adjacent to the chapel and the application site in part screens the development, and the new Cadw guidelines makes reference to tree covers and whether it is deciduous or evergreen and its likely longevity.

The guidance also refers to dependant on the level of mitigation can include the introduction of screening if within the application boundary.

I acknowledge that the application is in outline and that the submitted layout is indicative only. However the indicative plan indicates that there will be no access strip retained to the portion of land adjacent to the chapel to facilitate development in the future, which is welcomed and should be reflected in the reserved matters stage. The layout of the dwellings albeit indicative indicate that 4 of the dwellings will follow the contours of the land and plot 3 will cross the contours. The hedgerow with trees between the small parcel of land adjacent to the chapel and the application site in part screens the development, however the topography of the site will result in the dwellings being seen in part and predominantly the roofs, and the layout as indicated results in the 2 dwellings closest to the boundary that is plot 2 and plot 3 being of a more organic or rural form rather than a modern estate. This layout approach is welcomed, however it accepted that the application is in outline and the plans are indicative only.

Given that the development directly adjacent to the grade II* listed building has been removed and that the proposed development site is behind tree cover, and noting the new guidance in respect of mitigation, it is considered that the proposal would be acceptable in terms of built heritage with the appropriate mitigation measures of appropriate and robust planting along the existing hedgerow and appropriate design and materials for the new dwellings. Special care would be needed at reserved matters stage to ensure that the proposed dwellings are not unduly high and are appropriate for the location.

I would consider that the issues of setting of the grade II* listed chapel have been addressed by the removal of the dwellings from the parcel of land adjacent to the chapel. Whilst a full application would have been desirable to assess the impact of height design, materials and landscaping, the application is outside a conservation area where outline applications are permitted, and as such the assessment of the individual dwellings will be made at reserved matters stage.

I would consider that my objection to the principle of development has been addressed by the removal of the houses adjacent to the listed chapel as indicated on the amended plans, and as such I would not wish to maintain my objection in this case.

Should the application be considered acceptable in all other matters and be approved I would recommend that pre-application discussions be entered into in respect of the reserved

matters application to ensure that adequate mitigation in respect of the setting of the grade II* listed building is considered from the outset.

- 3rd response

Thank you for consulting me on the amended plans to the above application. The amendments appear to refer to land drainage issues only and not in respect of the siting of the proposed dwellings and as such I would not wish to amend or add to the comments I made previously on 1 November 2017. However I note that the proposed land drainage is on the land adjacent to the listed John Hughes Memorial Chapel grade II* Cadw ID 7661. As such I would request a condition that after the land drainage has been undertaken that the ground is restored to its current condition at whatever time period you would consider appropriate in this location.

Representations

Following the display of a site notice and publicity in the local press, 50 public representations/letters have been received (please note that multiple letters have been received from the same objectors during the course of planning process). In summary, the objections relate to;

- Principle of the development
- Highway access and parking
- Sustainability of the development
- Surface water drainage
- Impact upon character and appearance of the area
- Impact upon nearby listed building
- Water supply
- Impact upon residential amenity
- Impact upon ecology and trees/hedges
- Other matters (legal rights of access to/from the site and land ownership)

3 objections have been received from non-statutory bodies, as indicated below;

Montgomeryshire Wildlife Trust:

With reference to the above planning application, the Montgomeryshire Wildlife Trust objects to this proposal in its current form.

The applicant states that no protected or priority species are present on or adjacent to the site. Indeed, Section 4.3 of the Planning Statement considers “that the site has no important biodiversity”. However, a quick search of the 1km square which includes the application site on the public access LERC Wales' Biodiversity Information & Reporting Database (Aderyn) shows 21 'Category 1' (priority) species, including Slow-worm, Common Toad, Hedgehog, Hazel Dormouse, Dunnock and Song Thrush. There are also at least seven species of bats recorded within 1km and the proposed development would mean the removal of large trees and significant lengths of hedgerow.

As you are no doubt aware, Hazel Dormouse and all species of bat are protected under the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and by the Conservation of Habitats and Species Regulations (2010).

All of these species could be negatively impacted by the proposed development, but no ecological information has been submitted with the application. As the Local Authority would be unable to assess the impact on these priority species without this information, surveys should be submitted prior to determination. Making planning decisions without due consideration of priority species is contrary to the Environment (Wales) Act 2016 which applies to all public organisations, including local authorities. Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

Should planning application P/2017/0378 be given approval in its current form, it would be contrary to Powys UDP Policy ENV3 & ENV7. Montgomeryshire Wildlife Trust therefore objects to this proposal in its current form. If there is any other information the Montgomeryshire Wildlife Trust can help with, please do not hesitate to contact us.

CPRW:

CPRW Montgomeryshire have viewed the plans and visited the site of this proposed development and wish to make the following observations regarding the proposal:

- the proposed site has no access to the highway;
- the site contains a variety of mature broadleaved trees and appears to be well managed for biodiversity and is potentially a wildlife corridor. We trust that a full Ecological Assessment is required of the developers prior to determination;
- loss of good agricultural grazing land;
- the developers' agents cite the pressing need for housing as justification but the LDP identifies sufficient housing allocation (plus a 20% tolerance) to meet the needs identified through analysis of population growth data for Powys without inclusion of this site
- implications of further increasing the hard surfacing in this area

In particular we would express considerable concern that a proposal lying outside the defined development boundary for the village is coming forward. The area has been considered unsuitable for further build at a strategic planning level. We note that it was neither an allocated housing site in the UDP or the emerging Draft Deposit LDP and development is thus contrary to the guiding policy for Powys. Powys has a clear policy and rationale for housing development in keeping with both need and rurality and permitting proposals of this nature will set an unwarranted precedent.

The Woodland Trust:

The Woodland Trust wishes to lodge a holding objection to the above application, due to damage to the mature trees on site including the potential veteran oak tree in the hedgerow adjoining the neighbouring field (Grid Ref SJ110129). Our objection stands until we receive confirmation from the applicant that the trees on the proposed development site will be protected by a suitable RPA.

Aged and veteran trees are a vital and treasured part of our natural and cultural landscape. Ancient and centuries old veteran trees in the UK represent a resource of great international significance and veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able.

Planning History

No site history

Principal Planning Constraints

- Outside of settlement development boundary
- Nearby listed building

Principal Planning Policies

National Planning Policy

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

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 ENV14 - Listed Buildings
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

As referred to within the response from the Community Council and within public representations, the proposed development lies wholly outside the development boundary of Pontrobert as detailed on inset map M186 and would result in 5 dwellings being constructed outside the settlement boundary. Pontrobert is currently classified as a small village which consists of Church, John Hughes Chapel, Primary School, Community Centre, Post Office, Public House, Public Telephone, Post Box, Car park and Picnic Area.

Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing land supply

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

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

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

Public representations have raised concern over proposals for housing developments and that objections are not taking into account. 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.

As already noted, Pontrobert is classified as a small village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M186 HA1 – Land OS0886 Yew Tree House extending to 0.7 ha) and this site has been fully developed.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

Public representations have raised concern over the sustainability of the village particularly in terms of the future of the school, lack of transport links and employment opportunities. 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, Pontrobert is identified as a small 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 12 miles from Welshpool, 18 miles from Newtown, 20 miles from Oswestry and 32 miles from Shrewsbury, however as public representations have stated, the bus service is limited in frequency.

In addition, comments within public representations regarding lack of employment opportunities in the settlement and threat of school closure are noted, however the settlement is typical of many settlements in Powys whereby travel to employment is common and the school is currently open. Whilst Pontrobert is classified as a small village within the UDP currently and UDP Policy HP4 indicates that the capacity of such small villages is generally sites up to 5 dwellings, it is noted that the direction of travel in the LDP is that Pontrobert is proposed to be upgraded to a large village. In addition, the services and facilities in Pontrobert are such that it is considered that the settlement has the capacity to accommodate 5 dwellings as proposed.

The site is adjacent to the settlement boundary of Pontrobert on its north west side, and it is considered that the site is reasonably well related to the settlement. Therefore, it is considered that the site can accommodate a sustainable form of development.

Overall, taking all the above factors into account, 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

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. However in this instance the applicant has offered 3 affordable units as a part of the scheme.

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.

Public representations have raised concern over the impact of the development upon the character of Pontrobert. Guidance contained within UDP Policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst all matters (including design and layout) are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. The site rises from the south west to the north east and residential development would be visible from public vantage points including the adjacent highway and residential properties in the locality. The indicative layout

resembles a modern residential layout which is broadly comparable to the existing modern development seen in the settlement. Given the edge of settlement location and the character of residential development in Pontrobert, it is not considered that a higher density is required. Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement. The properties in the locality consist of a mixture of one and two storey detached properties, predominantly of brick and render with older properties being stone.

Whilst the site would be visible from public vantage points including the public highway, neighbouring residential properties and public rights of way in the wider area and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location reasonably related to the built form of the settlement, that landscaping measures would reduce the visual impact, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

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 proposed site is immediately opposite the existing bungalows located on the adjacent residential estate and concerns have been expressed by the occupiers of the said properties in respect of negative impact that the proposal would have on them which will result in loss of privacy. The third party comments are acknowledged, however the indicative plans show that there is sufficient distance of approximately 33m (with intervening gardens between) from the wall-to-wall between the proposed and existing dwellings. It is acknowledged that this is slightly elevated site, however given the distances between the properties and intervening land between, the officers consider that there would be sufficient separation between the properties not to cause amenity issues between the residents of both sites.

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 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, 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 site will be accessed via the existing access point into the site off Lon yr Ywen estate road. Public concerns and comments are noted, however 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 legal rights of way however it is important to note that legal rights of way and access issues are not under jurisdiction of a Planning Authority. Highway Authority has requested inclusion of number of highway safeguarding conditions in that respect.

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.

Impact on biodiversity

The proposed development would result in the loss of an area of approximately 0.82ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by County Ecologist or NRW with respect to the ecology of the site.

The County Ecologist notes that the additional information submitted has been provided in response to a request for a habitat phase 1 ecological assessment to enable the LPA to assess the potential impacts of the proposed development to biodiversity.

The County Ecologist has reviewed the Report produced by Turnstone Ecology Limited dated October 2017, and it is considered that the survey effort employed was in accordance with National Guidelines.

The site survey was carried out on the 27th September 2017 by Turnstone Ecology Ltd and consisted of a Phase 1 Habitat Survey and a Protected Fauna Survey and Habitat Suitability Assessment.

Habitats recorded on site were improved grassland, hedgerow and trees. Hedgerow for the northern, eastern and western boundaries of the proposed development site and a southern boundary being wire and post fence line with garden and residential housing beyond. There is a line of mature trees along the western boundary and mature pedunculated oak on the eastern boundary.

The Officers note that the proposed developments will affect ecological poor improved grassland and the removal of approximately 15m of hedgerow (on the eastern boundary). The proposed new access will utilise an existing field gate and mown improved grass track.

The protected fauna survey assessment evaluated the habitats on site for suitability for protected fauna that occur in the area and for evidence of any protected species. It is considered that Hazel dormouse, bats and great crested newts could directly or indirectly be affected by the proposed development and appropriate design and mitigation will need to be adhered to ensure there will be no negative impacts on these species as a result of the proposed development.

The Officers note that there was no evidence of protected species found within or immediately adjacent to the proposed development site when the ecological survey was undertaken. However it was considered that there were habitats with limited suitability for bats, hazel dormouse, nesting birds, great crested newts and reptiles within or adjacent to the proposed construction areas.

Given the identified mitigation measures in section 4.3.2 of the ecological appraisal report the County Ecologist and NRW consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. The Officers therefore recommend that implementation of the mitigation measures are secured through an appropriately worded conditions.

In order to ensure protection and mitigation, NRW have also recommended conditions requiring the submission and implementation of a method statement including Reasonable Avoidance Measures for reptiles and amphibians during the construction phase of the proposal, the submission and implementation of an external lighting scheme that will minimise light spill on wildlife corridors for bats and the submission and implementation of a Root Protection Area plan to protect the existing hedgerows and trees during the construction phase. These conditions are considered reasonable in order to ensure that the proposal complies with the relevant local and national planning policies and guidance in respect of ecology.

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

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is not designated within grades 1, 2 and 3a. Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 3b (Moderate quality agricultural land) 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.

Impact on historic environment

The Powys Heritage Officer notes the proposed site is close to a designated historic asset namely; John Hughes Memorial Chapel grade II* which is located north west of the proposed site with intervening county highway between. It is also noted that there are 2 listed buildings in Pontrobert, John Hughes Chapel and The Old Rectory South East of the Village on the north side of the road to Dolobran, built in 1853 and contemporary with the construction of the parish Church.

The Officers note that the new development within Pontrobert is largely clustered around its historic core and as such retains a large element of its character in terms of the location and size of the new properties. The Heritage Officer notes that original submission adversely affected the setting of the chapel by effectively bringing this rural chapel into the developed area of Pontrobert. However the current revised proposal retains an open field adjacent to the chapel and cemetery, thereby creating a buffer between the listed chapel and the new development,

The public comments are acknowledged in this respect, however the Officers note that retention of the parcel of land adjacent to the chapel does provide for a buffer of rurality to be afforded to the chapel. The tree line/hedgerow with trees between the small parcel of land adjacent to the chapel and the application site in part screens the development, and the new CADW guidelines makes reference to tree covers and whether it is deciduous or evergreen and its likely longevity.

Given that the development directly adjacent to the grade II* listed building has been removed and that the proposed development site is behind tree cover, and noting the new guidance in respect of mitigation, it is considered that the proposal would be acceptable in terms of built heritage with the appropriate mitigation measures of appropriate and robust planting along the existing hedgerow and appropriate design and materials for the new dwellings. Special care would be needed at reserved matters stage to ensure that the proposed dwellings are not unduly high and are appropriate for the location.

The Officers therefore consider, that the issues of setting of the grade II* listed chapel have been addressed by the removal of the dwellings from the parcel of land adjacent to the chapel. Therefore, Development Management considers the proposed development to be in accordance with policy ENV14 (Listed Buildings) of the Powys UDP and TAN 24 – The Historic Environment (2017).

Foul drainage

It is proposed to connect to the public sewerage system which is the preferred method of disposal. The Community Council has referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. 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. Therefore it is considered that the proposed development is in accordance with UDP Policy DC10.

Surface water drainage

The Community Council has also referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. UDP Policy DC13 requires developments to be served by adequate surface water drainage provision.

The Land Drainage Officer confirms that the revised details submitted indicate where an appropriate sustainable drainage facility could be sited together with any surface water outfall to the nearby watercourse. The additional details submitted also indicates a 'no built zone' (or sterile strip) to safeguard the existing ephemeral watercourse and shows the general route of the existing 'cut-off' ditch located to the rear of the existing properties at Lon-Yr-Ywen.

The PCC - Lead Local Flood Authority (LLFA) finds it reassuring to see that the additional details submitted recognise the existence of the existing land drainage features, however further engineering detail shall be required at Reserved Matters stage to show how all existing and proposed land drainage and surface water management features are to be fully accommodated and or safeguarded as part of this development proposal, which shall include details on how these drainage features shall be managed / maintained and, indicate those parties responsible for their future maintenance.

The LLFA would recommend that the surface drainage design shall adhere to the standards set out in Welsh Government's "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems", dated January 2017. Therefore the land Drainage Officer recommends inclusion of a safeguarding condition in respect of land drainage systems at the site.

Public comments are fully acknowledged in respect of land drainage at the site, however it is important to note the applicant has been able to demonstrate at this stage that the proposal can provide/achieve suitable arrangements for the surface water drainage and also provide safeguards to existing land drainage systems that currently provide benefit to some of the objector's properties. Further enhancements can also be achieved with this development in respect to local flood risk, which was not the case when the then owners of the Lon-yr-Ywen properties excavated a shallow cut-off ditch along the back of their gardens to discharge onto the surface of the public highway without any previous consultation. It is unfortunate that the council has had to carry out work (at public expense) to alleviate this nuisance.

It is important to note that PCC Land Drainage Officer has advised that they have no objection to the development and therefore Development Management is satisfied that the surface water disposal system can be accommodated at the site as indicated on the revised plans subject to conditions. Therefore it is considered that the proposed development is in accordance with UDP Policy DC13.

Public water supply

Public representations have referred to residents experiencing low water pressure in the settlement. The Community Council has also referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. UDP Policy DC8 requires developments to be served by a wholesome and adequate water supply. Severn Trent Water has not objected to the proposal and has not advised that new or upgraded infrastructure is required as a result of the proposal and as such it is concluded that the proposal is not

unacceptable in this respect. In addition, Under the Water Industry Act 1991 Severn Trent Water has a duty to provide a wholesome supply of mains water for public purposes, without detriment to existing and as such members of the public should contact Severn Trent directly to express any concerns.

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:

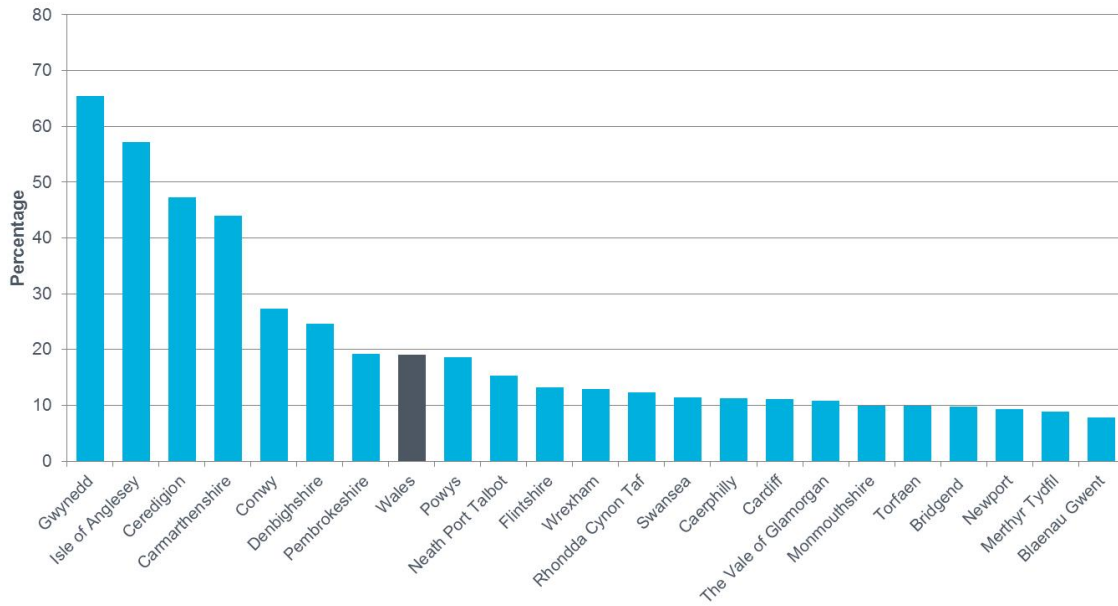
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning 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. Pontrobert 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;

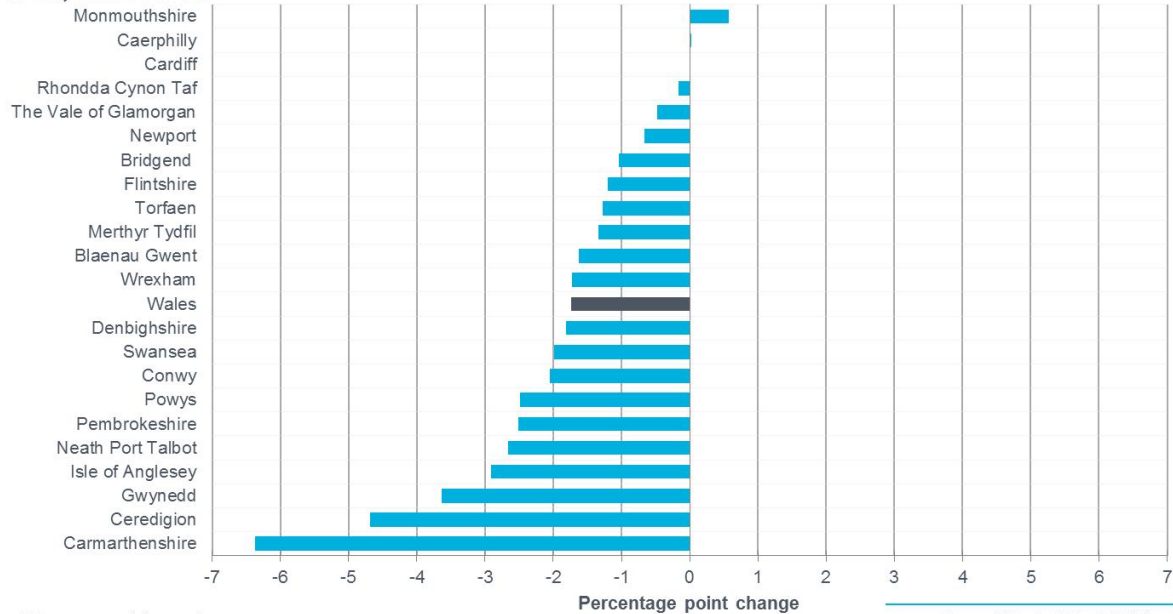
Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area



welshlanguagecommissioner.wales

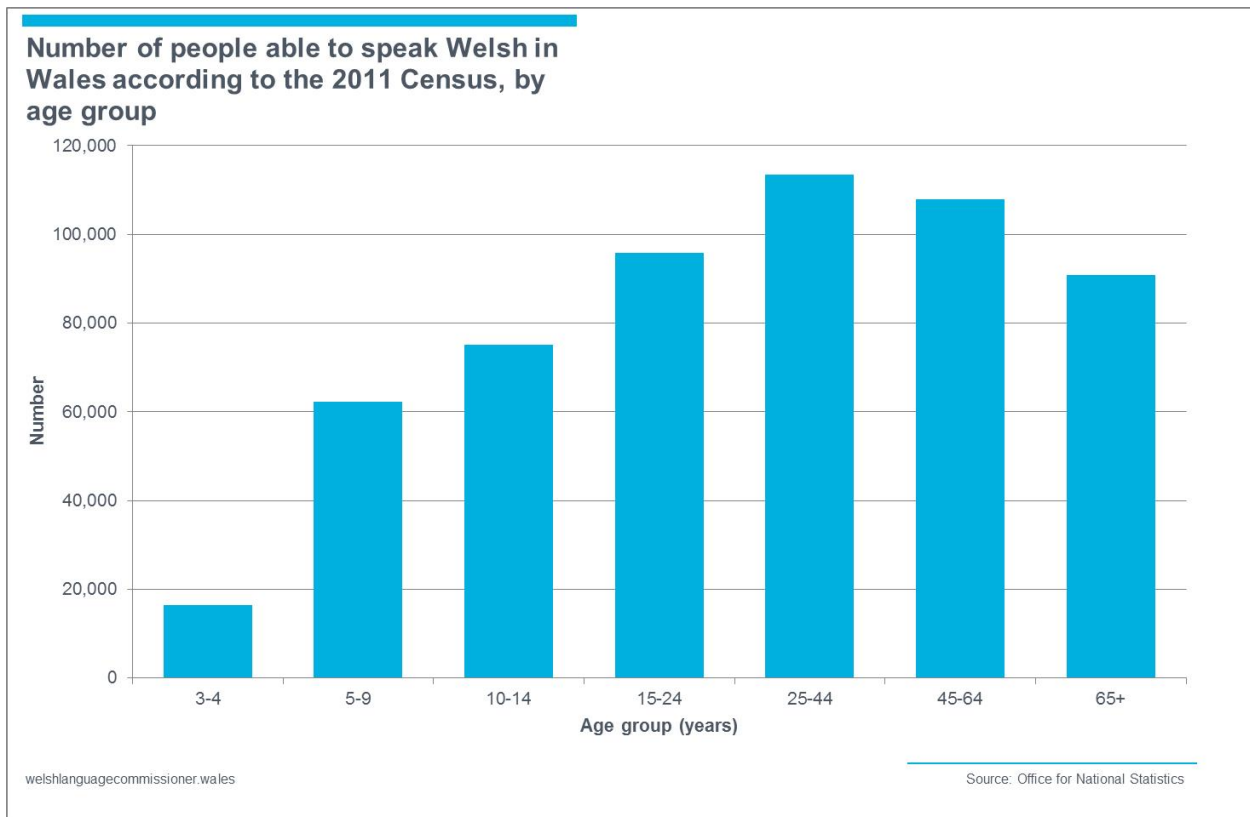
Source: Office for National Statistics

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



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+:	52.6	65	242	325
3-15:	62.7	78.9	32	75
16-64:	49	59.8	144	186
65+:	57.4	68.1	66	64

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfihangel ward in which Pontrobert is located has decreased by 12.4% overall. The scheme brings forward an appropriate number of affordable units as suggested under Policy GP5. The proposed scheme will provide a proportion of affordable housing. It is stipulated as a guideline within the adopted UDP to be between 30-35%. However, it is noted that the scale of affordable housing to be provided will be a matter of negotiation for each individual site.

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. In this instance three affordable units have been offered with a maximum footprint of 130m² therefore ensuring affordability. The affordable dwellings will be integrated throughout the site. It is considered that the introduction of 5 dwellings in total 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 aid 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 Pontrobert and the provision of housing and affordable dwelling will help sustain and enhance the cultural and linguistic vitality of the area.

Other matters

Public representations have raised issues in respect of land ownership of the access route leading from the existing estate road to the site. The objectors note that the applicant does not have legal rights of way to the site via the proposed route. These comments are noted, however it is important to note that legal issues of land ownership cannot be resolved via planning process and these are legal issues between the relevant owners outside planning procedures and the Local Planning Authority cannot get involved in this instance.

In respect of the notification of the proposed development, the applicant has consulted all the parties that have interest in any land that is subject of this application and the evidence has been provided of the same.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

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

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-JOB18-03 Rev E).

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. Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

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. 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. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

13. 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.

14. Before any other development commences 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 U2988 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 area 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. No other development shall commence until 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.

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. 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.

18. The width of the access carriageway, shall be not less than 5.0 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.

19. All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

20. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

21. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

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

23. The mitigation measures in section 4.3.2 of the Ecological Appraisal report produced by Turnstone Ecology Limited dated October 2017 shall be adhered to and implemented in full and maintained thereafter.

24. Prior to commencement of development a Tree 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.

25. 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.

26. Prior to commencement of development works, a method statement in respect of Reasonable avoidance measures for reptiles and amphibians during the construction phase of the proposal shall be submitted to the Local Planning Authority and shall be implemented as approved. The method statement shall include detail of timing of works, biosecurity and methods of trapping and relocating.

27. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

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. 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).
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, 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. 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.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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20. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

23. 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.

24. 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.

25. 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.

26. 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 2016.

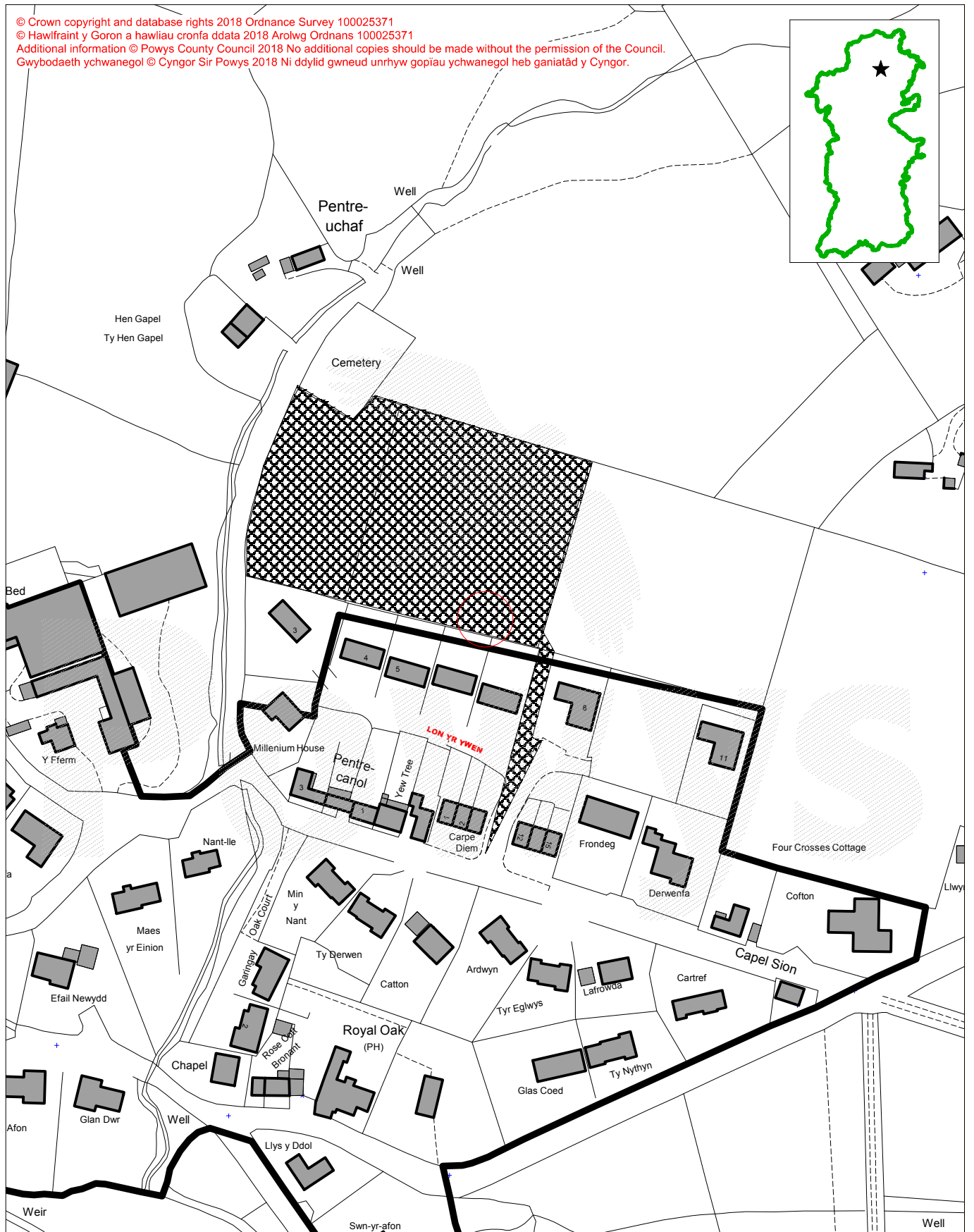
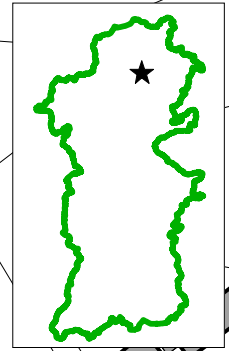
27. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

Notes

The erection of any proposed surface water drainage outfall structure to effect an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be found at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1388	Grid Ref:	323502.45 316639.8
Community Council:	Llandrinio	Valid Date:	Officer: 24/11/2017 Eddie Hrustanovic
Applicant:	Mr J T Corbett Penrhos The Mount Llanymynech Powys SY22 6QE		
Location:	Land adjoining Coed Llys Penrhos Llanymynech Powys SY22 6QE		
Proposal:	Outline application (with some matters reserved) for erection of a dwelling, detached garage, installation of septic tank and all 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 and is recommended for approval.

Site Location and Description

The site subject to this application is located within the Rural Settlement known as Penrhos.

The site is located on a parcel of land bounded by agricultural land to the south and west, while to the east an existing property known as Coed Llys is located and to the north the site is bound by C2035 classified highway from which the access is going to be gained.

Consent is sought for the erection of one detached private dwelling with all associated works including installation of a new septic tank with some matters reserved, namely appearance, landscaping, layout and scale.

Consultee Response

Llandrinio CC

The Community Council discussed the above application at a site meeting held on Wednesday 20th December 2017. Councillors felt that the lack of a 5 year supply of housing should not be treated as a justification for this application and that housing should be centred at the larger villages nearby such as Arddleen and Llandrinio.

They also have the following concerns;-

- Visibility restricted due to brow of the hill
- The height of the any proposed dwelling should be restricted to that of its neighbours i.e dormer bungalows

- Cllrs were also concerned that the immediate neighbours had not been contacted

We trust these views will be taken into account when you make your decision

Highways Dept north

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 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 access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 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 34 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 5.5 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher

run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 4.1 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 the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

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

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

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

Wales & 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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Environmental Health

The plan for the foul drainage has changed to a sewage treatment plant with discharge to watercourse. Environmental Protection has no objection to this application.

Heritage Officer

No objection to the scheme

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1388 which concerns the outline application (with some matters reserved) for erection of a dwelling, detached garage, installation of septic tank and all associated works on Land adjoining Coed Llys, Penrhos, Llanymynech.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 28 records of protected and priority species within 500m of the proposed development which included records of great crested newts – no records were for the site itself.

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

It has been noted that a number of ponds are located approximately 200m south of the proposed development site. Given the proposed development will involve alterations to the surrounding habitat (i.e removal of section of hedgerow) consideration has been given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts – European protected species.

Having reviewed information available in form of streetview and aerial images the habitat present at the site of the proposed development offers negligible suitable opportunities for Great Crested Newt terrestrial habitat. Given the unfavourable habitat of the proposed development site for great crested newts and the lack of connectivity between the ponds and the development site (barriers such as roadways and residential properties), it is considered that the proposed development would not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present. It appear that section of hedgerow is proposed to be removed for the proposed new access. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

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

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

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

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

Careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

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 Local Planning Authority.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

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

In this instance should you be minded to approve the application I consider it would be appropriate to include an informative advising the applicants of the legal status of great crested newts and what actions to take in the unlikely event a great crested newts is encountered during the development works. Suitable wording for an informative covering these details is as follows:

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

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

Representations

One letter of objection has been received from the residents of neighbouring property. In summary, the objection relates to;

- Visual impact of the proposal on adjacent property,

- Access will be difficult to achieve due to land levels and grading of the land would be required,
- This is a greenfield site which should not be developed.

Planning History

No planing history

Principal Planning Constraints

National planning policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)

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

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

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

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

Technical Advice Note 24 – The Historic Environment (2017)

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

Local planning policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

ENV14 – Listed Buildings

HP3 - Housing Land Availability

HP4 - Settlement Development Boundaries and Capacities

HP5 - Residential Development

HP6 - Dwellings in the Open Countryside

HP14 – Sustainable Housing

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC8 – Public Water Supply

DC11 – Non mains Sewage Treatment

DC13 – Surface Water Drainage
TR2 – Tourist Attractions

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

Officer Appraisal

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

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

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010) however is located within the rural settlement of Penrhos.

Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study,

the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

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. Account should be given to the range of services and facilities available within close proximity to the site.

Penrhos is defined in the UDP as a rural settlement. The Large Village of Arddleen is a short driving distance of 0.67 Kilometres to the south east of Penrhos which offers services facilities including a Primary School, Community Centre, Public House and Place of Worship. The Key Settlement of Four Crosses is located approximately 2.3 Kilometres to the north east of Penrhos which offers a range of facilities and services facilities including a village shop and fuel station, primary school and medical centre.

Arddleen and Four Crosses are also easily accessible by public transport with regular bus services to Oswestry, Welshpool and Newtown.

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

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in outline with all matters reserved to be considered during the submission of the reserved matters.

Whilst access, scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site.

Although Officers acknowledge public concerns in respect of possible design and height of the proposed dwelling, that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling without unacceptably

adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Penrhos settlement consists of dispersed developments set around a church and community centre. The proposed site is located approximately 175 metres north west of the Church and is immediately adjacent to a cluster of number of dwellings, and opposite the Old Vicarage. Therefore, it is considered that the current proposal site is well integrated within the rural settlement of Penrhos and accords with the policy on this matter and as such the site is considered acceptable in visual impact terms.

Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission proposes the plantation of trees. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use of the field, taking into account the location opposite and adjacent to existing dwellings within the settlement, that landscaping measures would reduce the visual impact and that the proposed scale of the dwelling. It is therefore 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 policies ENV2 and TR2 of the Powys Unitary Development Plan 2010.

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 layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwelling will be located approximately 40 metres distant from the nearest neighbouring residential property known as Coed Llys with intervening between extensive gardens of both properties. The indicative layout shows that the dwelling is at an offset angle and it is considered that there is sufficient distance between the existing property and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of this neighbouring property.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

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 approximately 40 metres in relation to the existing dwelling, 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 site will be accessed via the proposed access into the site off C2035 classified highway. Public comments are noted in respect of the access to the site, however it is important to note that Powys Highway Authority have confirmed that there are no objections to the scheme and have not raised any highway safety issues in this respect. 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.

Foul Drainage

Given the location of the site, it is accepted that it is not feasible for the proposed dwelling to connect to the public foul sewerage system. As such, it is proposed to dispose of foul sewage via a sewage treatment plant. The Council's Environmental Health Department have been consulted on this application and have no objections to this method. It is also considered that the detail of the proposed system can be appropriately managed through the submission of additional details at reserved matters stage and, on this basis; it is considered that the proposal is in compliance with the UDP Policy DC11.

Ecology and Biodiversity

As part of this application process our County Ecologist had been consulted and has provided comments on the application.

The 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.

Impact upon Heritage Assets

Powys Heritage officer has confirmed that there are no objections to the scheme on heritage grounds.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. Predictive Agricultural Land Classification (ALC) Map indicates that the land at the site is classified as Grade 3b (Moderate quality agricultural land).

Therefore the land at the site 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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Llandrinio is not identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Llansantffraid Ward reported that 12.2% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 13.7% of the population of Llansantffraid spoke Welsh. The development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

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.

Condition

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2035 highway (drawing no: RPP16.1.3.05).
5. Prior to the occupation of the 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.
6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. 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.
8. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
9. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

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

12. The width of the access carriageway, constructed as per above condition, shall be not less than 4.1 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.

13. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 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.

14. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

15. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

16. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

17. Upon formation of the visibility splays as detailed in above condition 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. 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.

20. Prior to the installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

21. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reasons

1. 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.
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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 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.
20. 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.

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

Informative Notes

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

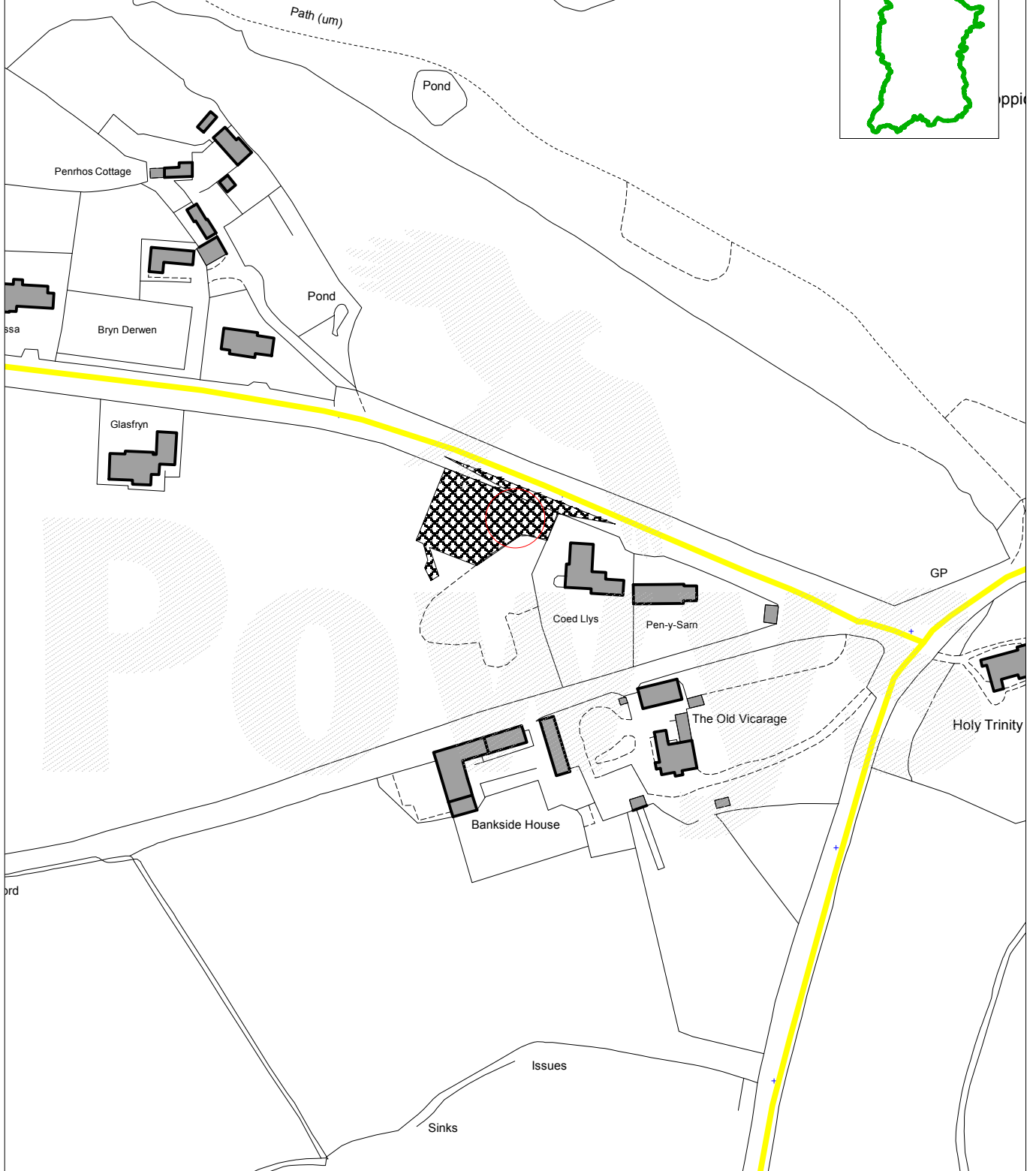
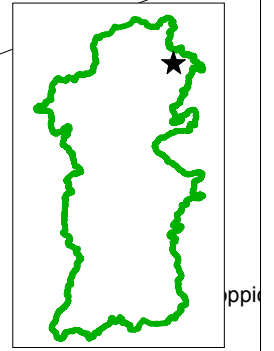
It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb 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.

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

4.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1284	Grid Ref:	297869.03 268525.66
Community Council:	Rhayader	Valid Date:	Officer: 06/11/2017 Karen Probert
Applicant:	Mr & Mrs Duggan, Cefn Y Crug, Crossgates, Llandrindod Wells, Powys, LD1 6RU.		
Location:	Site adj to Tir Gaia, Abbey Cwm Hir Road, Rhayader, Powys, LD6 5DZ.		
Proposal:	Outline: Erection of 9 residential dwellings, including 3 affordable dwellings and all associated works (all matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan and is recommended for approval.

Site Location and Description

The site is located approximately 0.9 kilometres from the centre of Rhayader and directly adjoins the existing settlement development boundary for Rhayader which lies to the west as defined by the Unitary Development Plan (2010). The nearest residential property is located approximately 100 metres from the proposed site in a south westerly direction.

The site which is approximately 0.5 hectares is proposed on an existing parcel of land used as agricultural pasture land and is bounded to the north, east and west by existing agricultural land and to the south by the existing County Class III Highway, C1209.

Consent is sought for the outline erection of 9 residential dwellings (including three affordable dwellings) and associated works with all matters reserved.

Consultee Response

Rhayader Town Council

There were no objections to this proposal and Councillors recommended approval.

PCC Highways

The County Council as Highway Authority for the County Class III Highway, C1209

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any works commencing, detailed engineering drawings for the widening of the C1209 and the footway along the Class III to join the existing footway to the South West of the site, and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing within 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.

Prior to the occupation of any dwellings, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

The width of the access carriageway shall be not less than 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.

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.

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.

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.

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.

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

Prior to any works being commenced on the site, a scheme for the extension of the 30mph speed restriction, and schedule for implementation of the scheme shall be submitted and approved in writing by the Local Planning Authority.

Note: Due to the layout of the site, an Advanced Payment Code notice (APC) will be served should approval be granted.

PCC Building Control

Building regulations will be required.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 13.11.2017, advising us of the proposals for:

Land Adj Tir Gaia, Abbey Cwm Hir Road, RHAYADER, Powys, LD6 5NR

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.

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.

SEWERAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

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

PCC Environmental Health

In view of the residential setting of the proposed development it is recommended that before any development commences a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases. In addition it is recommended that 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.

Informatives.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

It is Government policy that, 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>

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1284 which concerns an outline application for erection of 9 residential dwellings inc 3 affordable dwellings and all associated works (all matters reserved) on a site adjacent to Tir Gaia, Abbey Cwm Hir Road, Rhayader.

I have reviewed the proposed plans submitted with the application as well as aerial images 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 158 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 are present within 500m of the proposed development.

A Preliminary ecological appraisal has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value. I have reviewed the Report produced by KG Ecology dated 31st October 2017, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 24th October 2017 to carry out an extended phase 1 habitat survey

The site for the proposed development consisted of two main habitats of arable grassland (rye-grass *Lolium* sp.) and hedgerow on the southwest (hedge referred to as hedgerow 2), southeast (hedge referred to as hedgerow 2) and hedgerow opposite the proposed development (hedge referred to as hedgerow 3) boundary. The hedgerow do contain hazel – a food source for hazel dormice. However the hedgerow offered limited suitability to support dormice due to the current management and limited connectivity to hedgerow and woodland management. The hedgerows were considered to provide nesting potential for bird species (nesting birds being a European Protected species).

The report refers to the proposed works resulting in removal and replanting of hedge 2 and the potential removal/translocation of hedge 3 and that hedge 1 will be retained.

The survey reports that removal or destruction of suitable nesting habitat must occur outside the bird breeding season (bird breeding season being February-August).

On the southwest boundary there is also a semi-mature oak tree located against the gateway. The oak tree being good condition with little wind damage to a limb.

The survey noted that approximately 250m was a pond. In considering the barriers of roadway and trunk roads as well as the lack of records within 1km the proposed works are considered to have negligible potential to impact great crested newts.

Recommended measures in section 9 of the preliminary ecological appraisal suggests that due to the low species diversity of hedgerow 2 and 3 instead of translocating the hedgerow - to remove the hedgerow and replace by a new native species rich hedgerow containing 6 woody species. Also recommended in section 9 of the report is new hedgerow planting on the northwest boundary to contain at least 6 woody species and under planted with 2 native climbers.

I consider the identified hedgerow planting measures in section 9 of the preliminary ecological appraisal to be acceptable and recommend the implementation of these measures secured through an appropriate worded condition.

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

The recommendations identified in section 9 of the Preliminary Ecological Appraisal produced by KG Ecology dated 30th October 2017 shall be adhered to implemented and maintained thereafter in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, 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 2016.

Prior to commencement of development a Hedgerow Protection and Replacement Plan 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 lighting design scheme to take any impacts on nocturnal wildlife into consideration 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 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

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

PCC Land Drainage:

Received 15th January 2017

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations:

Observation: Reference is made to surface water drainage under Item 5 – *Assessment of Flood Risk* on the Planning Application form, where it states surface water runoff is to be disposed through the use of *sustainable drainage systems (SuDs)*.

Observation: No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be *drained/disposed*.

Observation: The Lead Local Flood Authority would seek on site attenuation to the 1 in 100 year standard whilst limiting discharge to the existing 1 in 1 year Greenfield run-off for the connected impermeable areas.

Comment: The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Sustainable Drainage Comment:

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. 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 taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Representations

A public site notice was displayed on the 27th November 2017. At the time of writing this report no public representations have been made.

Planning History

P/2008/1228 Outline: Erection of affordable needs dwelling with garage (SN 96 NE), Plot adjacent to Rowans, Llwyn Lane, Rhayader. Refused.

Principal Planning Constraints

Minerals Safeguarding

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) 2 – Planning and affordable housing (2006)

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

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

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

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

Local Policies

Powys Unitary Development Plan 2010

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

SP5 – Housing Developments

SP6 – Development and Transport

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP5 – Residential Development

HP6 – Dwellings in the open countryside

DC1 – Access by disabled persons

DC3 – External Lighting

DC8 – Public Water Supply

DC10 – Mains sewage Treatment

DC13 – Surface Water Drainage

DC11 – Non- mains sewage treatment

Powys Residential Design Guide (2004)

Officer Appraisal

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

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

Principle of development

The application site lies outside of the settlement development boundary for Rhayader 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. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

This departure application has been justified within a Planning Statement sent in support of the application received on the 6th November 2017 in response to the lack of 5 year land supply in Powys.

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 application. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

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

TAN 1 states that housing land supply should be given considerable weight, however, 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 together with relevant national and local planning policies.

Sustainability

Whilst considering an application of this nature it is important to evaluate whether the proposal can be considered to be sustainable development. This can relate to matters such as the provision of public transport, the proximity to larger settlements, access to education and employment opportunities and services.

The development site as proposed directly adjoins the existing settlement boundary for Rhayader. Land directly to the west falls within the Unitary Development Plan boundary and is an allocated housing site R85 HA2 with planning permission for 70 dwellings (P/2010/1383).

Rhayader is identified in the UDP as an Area Centre with a range of recreational, community, health care, economic and retail facilities.

In light of the range of services located within a relatively short distance of the development site, it is considered that there is an argument to support the principle of residential development at this location given its siting adjoining an existing settlement boundary and within close proximity of an Area Centre. Therefore, the proposed site is considered to be a sustainable location for residential development as proposed.

Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B.

The Predictive Agricultural Land Classification (ALC) Map (Wales) has been assessed as part of this application and the site in question is shown as Category 3b – which is moderate quality agricultural land.

In light of the above, it is considered that the development of this land adjoining the existing settlement boundary is in accordance with Policy ENV1 of the UDP which states that the best and most versatile agricultural land is to be safeguarded wherever possible.

Scale, Design and Appearance

UDP policy GP1 provides general development guidance and includes overarching principles which seek to safeguard the character and appearance of existing buildings and surrounding area whilst further ensuring that development proposals do not adversely affect the environment, highway safety or the amenities enjoyed by occupants of neighbouring residential properties.

The key issues would be whether the proposal would be of a scale, form, design and general character to reflect the overall character and appearance of the surrounding area.

The application has been submitted in outline with all matters reserved for future consideration. An indicative design has been submitted with the application and information received from the Agent to indicate that a total of 9 dwellings are proposed mainly detached with one pair of semi-detached properties, three of which would be available as affordable housing with the remaining being available for market housing.

In terms of scale the supporting information indicates that each dwelling will be two storey and either 3 or 4 bedroomed and approximately 126 to 200 square metres in size (the affordable dwellings would not be over 130 square metres). The proposal is for dwellings to be between 7 to 12 metres wide and 6 to 7 metres deep. Each dwelling would have an approximate eaves height of between 4.7 and 4.8 metres with an overall ridge height of between 7.7 metres and 8.0 metres.

The supporting information indicates that the scheme proposed will be sympathetic to existing and planned development in the area and the wider context of the site.

As the application has been submitted in outline, Officers consider that the site can accommodate 9 dwellings to complement the character and appearance of the dwellings in the surrounding area. It is considered that the proposed dwellings fundamentally comply with policies GP1 and GP3 of the Powys Unitary Development Plan 2010

Amenity

Policy GP1 of the UDP states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals. Consideration is also to be given to the Powys Residential Design Guide (October 2004).

The indicative layout drawing provided indicates 7 detached dwellings and a pair of semi-detached dwellings. Each unit is shown to be accessed off a proposed cul de sac with associated parking spaces and amenity space provided for each dwelling.

The exact siting of the dwellings within the plot will be determined at the reserved matters stage and therefore it is considered that any issues relating to amenity will be determined at this stage.

Due to the distances involved and the potential positioning of the proposed dwellings, it is considered that the proposed scheme will not affect the amenities of existing residential properties within the locality.

The development is therefore considered to be appropriate and complies with policies 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 are to be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

This proposed site adjoins the existing settlement boundary for Rhayader and therefore it is considered that the proposed site is a natural extension of the settlement and would not have an unacceptable significant adverse visual impact upon the character or appearance of the surrounding area.

The application has been submitted in outline with all matters reserved, therefore consideration to the landscaping of the site will be considered at this stage. The site has an existing hedge on the southern boundary which could be translocated subject to proposed access arrangements. Existing hedgerows exist along the eastern and western boundaries which can be retained to provide a natural buffer between the development site and the adjoining allocated housing site to the west and the agricultural land to the east.

Land directly adjoining the proposed site to the west has a complex planning history with approval granted in December 2007 for the erection of 70 dwellings with construction of associated access, service roads and services (PR87514). A further application was submitted under P/2010/1383 to vary condition 1 of PR875/14 to extend the time limit for submission of reserved matters and commencement of development by three years. This permission valid until March 2020.

Directly south of the proposed site a new allocated site P52 HA2 (land off East Street) is proposed under the Local Development Plan (2011-2026) for 16 dwellings.

Therefore having assessed the proposed site, it is being considered in line with an extant planning permission to the west and also a new allocated housing site P52 HA2 to the south as proposed within the Local Development Plan (2011-2026).

Land rises gradually in a north westerly direction from the existing highway with the proposed dwellings located at the far southern boundary of the existing field. The proposal to locate the dwellings on the lower slope of the field will reduce the impact of the scheme upon the landscape and will reduce the visual impact from a southerly direction.

It is considered that whilst the site will be visible from a south easterly direction and also from the existing highway, the proposal will not result in a visual change that will differ significantly from the existing urban grain of the settlement particularly as the adjoining land to the west has outline planning approval for 70 dwellings and land to the south is allocated within the emerging Local Development Plan.

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

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.

The County Highway Authority has been consulted on the proposal and do not have any objections subject to conditions.

As this is an outline planning application with all matters reserved, the highway conditions as provided by the Highway Authority will not be included within any outline approval and will be dealt with at reserved matters stage.

In light of the above, it is considered that the proposal fundamentally complies with Policy GP4 of the Powys Unitary Development Plan (2010).

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to enhance and preserve protected species and their habitats.

The County Ecologist has been consulted in respect of this application and has confirmed that there are no objections subject to the inclusion of appropriately worded conditions.

In light of the above it is considered that the proposal is in accordance with policies ENV2, ENV3 and ENV7 of the UDP.

Environmental Health

Environmental Health has been consulted as part of this application and has stated that in view of the residential setting it is recommended that a construction method statement is submitted together with restrictions on the landscaping and construction period working hours and appropriately worded conditions and informatives have been provided to include with any subsequent approval.

In light of the comments received, it is considered that the proposed development fundamentally complies with Policy GP1 of the Unitary Development Plan (2010) subject to conditions.

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 Rhayader 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 Rhayader ward is indicated as having 8.45% of the population speaking, reading and writing Welsh. The developments of 9 dwellings in this location are considered not to have a detrimental impact on the cultural or linguistic vitality of the area.

Other considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

In light of the above and having carefully considered the proposal, whilst the submission 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. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. 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 taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
5. The recommendations identified in section 9 of the Preliminary Ecological Appraisal produced by KG Ecology dated 30th October 2017 shall be adhered to implemented and maintained thereafter.
6. Prior to commencement of development a Hedgerow Protection and Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

7. Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

8. 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.

9. 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.

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

11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

12. 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 3 housing units.

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [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.

13. 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.

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 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.
5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
8. 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.
9. To comply with Powys County Councils UDP Policy GP1 in relation to the control of development which has the potential to have adverse effects on the amenity of neighbouring properties.
10. To comply with Powys County Councils UDP Policy GP1 in relation to the control of development which has the potential to have adverse effects on the amenity of neighbouring properties.
11. 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.
12. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010).
13. In order to control further development which has the potential to have adverse

effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Informative Notes

Building Regulations

Please be aware that the proposed scheme will require Building Regulations approval.

Biodiversity

The applicant's attention is drawn to the comments of the County Ecologist which are attached for information.

Environmental Health

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

It is Government policy that, 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>

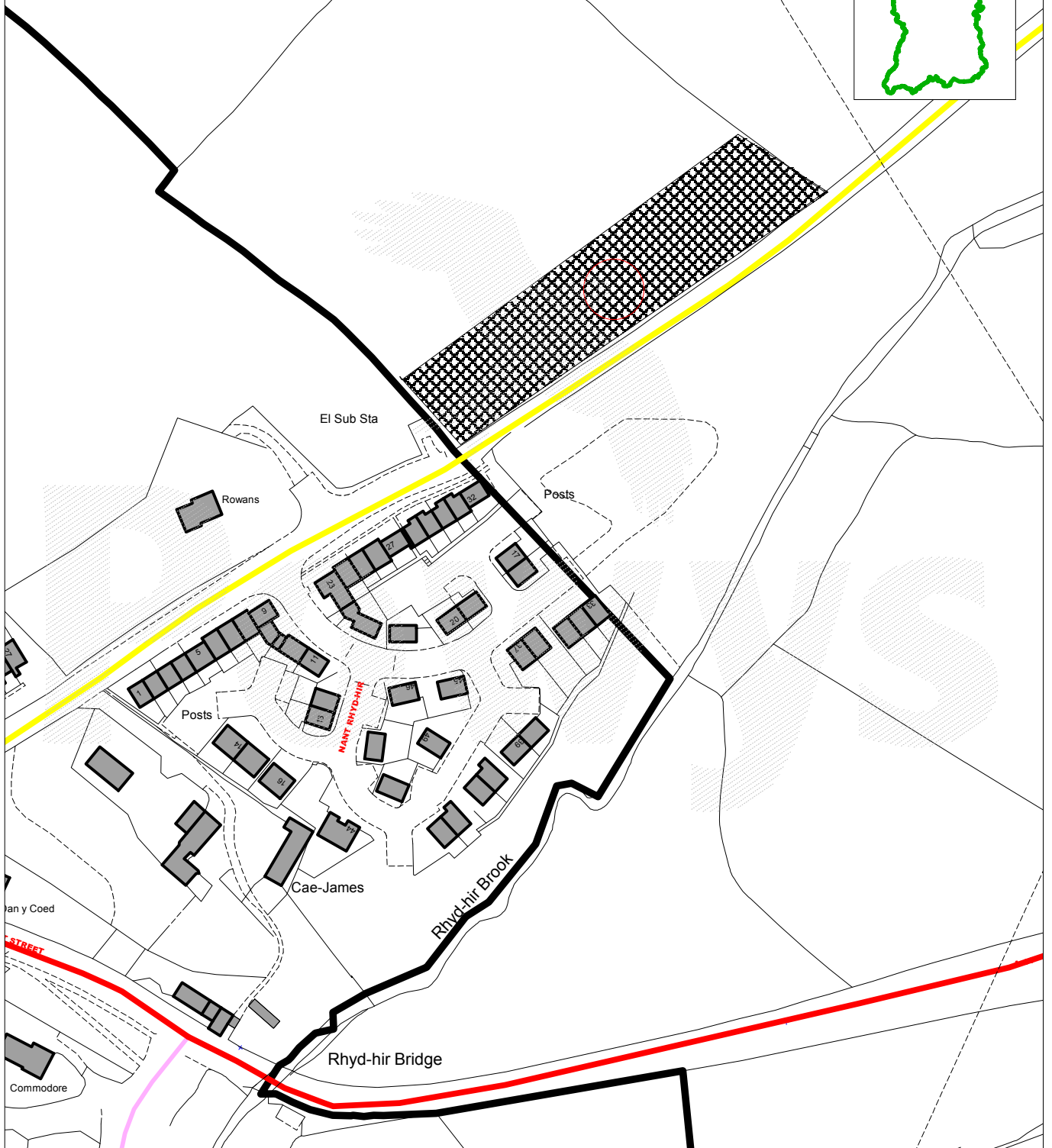
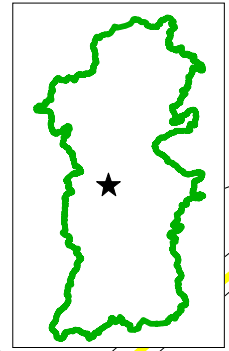
Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public

sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1224	Grid Ref:	311796.7 228228.31
Community Council:	Llangors	Valid Date:	Officer: 20/10/2017 Thomas Goodman
Applicant:	Mr & Mrs R & J Gunney, Arrah Lodge, Llanfihangel Talyllyn, Llangorse, Brecon, LD3 7TP		
Location:	Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP		
Proposal:	Outline application (with all matters reserved) for erection of a dwelling, detached garage and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The Lead Professional has called the application in to be determined at Committee.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010). To the north of the application site runs the C0096 which provides access to the development site. To the east and south of the application site is agricultural land and a dismantled railway line. Located to the west is the existing residential dwelling known as Arrah Lodge.

Consent is sought in for outline consent for the erection of an open market dwelling and detached garage. Matters relating to access, appearance, landscaping, layout and scale are all reserved for future consideration.

Consultee Response

Llangors CC

Thank you for the correspondence regarding the above application.

Llangors Community Council have visited the site and held a planning meeting where the matter was discussed

It is noted that the application makes reference to a previous planning application granted for access to the site. Whilst visiting the site the applicants clarified that the previous consent was for the new access and a detached garage and whilst the access had commenced development it had not been completed and trees on either

side of the entrance are to be removed to obtain the specified splay. It was further explained that should this current application be granted that the new access would form a joint access for the existing dwelling and the proposed dwelling and that the detached garage already granted on the previous application would not be built. It is therefore noted that the granted application for access does not mean that it would meet the highway requirements for an additional dwelling.

It is noted that the site is well outside the PCC UDP development boundary and development therefore could only be considered under policy H6 Dwellings in open countryside. The application does not give any evidence of compliance with this policy.

Under PCC LDP (not yet formally adopted) Llanfihangel Talylyn has no development boundary and therefore Policy H1 applies. Policy indicates that in small villages development for market housing must only take place on infill sites or on sites forming minor logical extensions to the village with a contribution made to affordable housing. This application does not meet any of these criteria.

Assessing the LDP policy on applications in rural settlement and open countryside, new dwellings should only be considered for affordable homes or rural enterprise worker dwellings. Again, the application proposes market housing, with no contribution to affordable housing so it does not meet the criteria of this policy.

Whilst there is no objection to the principle of the application at this specific site, it is in breach of policy and policy needs to be upheld. Based on these facts, the Community Council do not support the application.

Should your authority be minded to permit the application, it is requested that the proposed dwelling should be the subject of an S106 agreement and always be tied to the existing dwelling, Arrah Lodge.

I trust this information will be considered. Should you wish to discuss the matter please do not hesitate to contact me.

Highways Dept south

Consultation response received 10/11/17:

The County Council as Highway Authority for the County Class III Highway, C0096

Wish the following recommendations/Observations be applied
Recommendations/Observations

Based on the level of information submitted to date this application should be refused.

Reasons for Refusal

Whilst it is noted that this application is made in outline, with all matters reserved, appropriate information should be submitted to demonstrate that an access providing visibility splays in accordance with the prevailing speeds along the adjoining C0096 county highway is

achievable. The county highway is derestricted at this point and in the absence of any speed data, I have no reason to believe that 85th percentile speeds would be below 50mph, which would require an access visibility in the region of 2.4m x 134m. Whilst the part constructed access detailed on the current drawing, which formed part of the consented application B03/0310, did provide a minor improvement over the existing access arrangements, it certainly did not provide sufficient visibility for a new stand alone dwelling and it is questionable if sufficient improvements can be provided due to the positioning of the host dwelling.

It is also not clear how the provision of a new dwelling would impact upon the previously mentioned consented application.

Consultation response received 14/12/17:

I have viewed the information submitted but unfortunately the visibility splays detailed on the drawings are plotted incorrectly; visibility is measured to the edge of the adjoining carriageway not to the opposite side of the road as shown (especially where it passes through hedgerows). In reality therefore the maximum visibility achievable to the west would be closer to just 40m instead of the circa 134m that would be required at this location – I trust you will understand my reasons for not being able to support such a shortfall in standards.

In addition the proposed control of parking to the front of dwelling (west) appears to be on land outside of the limits of ownership and I understand that consent already exists for the improved access to the east of the dwelling.

As things stand I cannot withdraw my original recommendation of refusal but if you feel it would be beneficial I will happily attend site with you and the surveyor to discuss matters further.

Consultation response received: 12/01/2018:

I have revisited this site with Dale following removal of the boundary obstructions which were previously hindering our ability to take accurate measurements of the available access visibility. I have also had opportunity to consider the additional site access drawing (1357-0037/Rev G) recently submitted by the agent showing the alternative access position, sited further east, which increases the distance from the host dwelling.

Whilst visibility from the new access proposed will still be impaired to the west by the host dwelling, the area of obstruction in this direction is significantly reduced when compared to the current situation. Access visibility from the original access is restricted to just 12m in a westerly direction, completely obstructed thereafter by the position of the host dwelling. Access visibility from the alternative access position previously consented, whilst improved, provides just 47m, before again being severely obstructed thereafter by the host dwelling. The current proposal will provide overall visibility of 140 metres and although this will be impaired at 70m by the host dwelling, visibility will be maintained over significant areas of the nearside lane for the entire 140m length, which greatly reduces the risk to all highway users.

In light of the above, the Highway Authority is now satisfied that the revised access arrangements offer a significant improvement over the original and the previously consented

access arrangements for the site and therefore removes its previous recommendation of refusal.

Suitable highway conditions covering the access will be offered at Reserved Matters stage.

Building Control

Just to let you know this development will require a building regulation application to be submitted.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

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

Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to drawing reference: 1357 -001, it appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss our concerns and consider possible solutions. Alternatively we recommend the proposed development is repositioned to accommodate for the required protection zone. We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

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.

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@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Environmental Health

Having taken a look at where the proposed development will be sited and given consideration to noise creation at the nearest neighbouring property, I would firstly recommended that 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.

Secondly I would require further information regards the intended foul drainage system for the proposed development.

It is Government policy that, 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. If a drainage field is being used please see attached a percolation test form.

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 27/11/17:

As the applicant now proposes to connect to mains sewerage, Environmental health would have no objections to this.

PCC Ecologist

The site area is understood to be 829m² and includes up to 1 dwelling. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

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 and Brecon Beacons National Park Biodiversity Information Service.

The application site is located within an overgrown field containing mature trees and is bounded by hedgerow along the road boundary and mature trees along the boundary with the disused railway line. A new access has already been created under an existing planning approval.

Within 1km of the site there are historic records of unknown bat species (within 945m) and aerial imagery indicates that construction will require the loss of mature trees which could have potential as bat roosts.

It appears that a new access has been created under an existing planning approval but confirmation is required if additional hedgerow would be lost for an increased visibility splay for the proposed development. Hedgerows can provide foraging/commuting habitat for bat species and therefore I recommend that vegetation removal is kept to a minimum.

Otter have been recorded within 957m but no significant impact on otter is expected.

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

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

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

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

In addition to the species identified above, within 1km of the site there are historic records of Badger (within 59m) and various nesting birds.

The boundary hedgerows and trees offer suitable habitat for a range of nesting bird species. I therefore 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.

There is a slow worm record within 133m and it's considered that vegetation to be cleared on site could provide suitable shelter for common reptile species.

The recommended Preliminary Ecological Appraisal should therefore consider the nationally protected species mentioned above.

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.

In addition to the species identified above, within 1km of the site there are historic records of Polecat (within 471m) and Hedgehog (within 300m) and these species should be included in the recommended Preliminary Ecological Appraisal.

Hedgerows are a Section 7 Priority Habitat and hedgerows border the site. It appears that a new access has been created under an existing planning approval but confirmation is required if additional hedgerow would be lost for an increased visibility splay.

The hedgerow located along the boundary with the road and the mature trees along the railway line should be retained and protected during the works. A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.

As a biodiversity enhancement, I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development.

The hedgerow located along the road boundary and the mature tree boundary along the railway line should be retained and protected during the works. A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.

As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development.

Vegetation clearance works should be 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.

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

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

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

It appears that a new access has been created under an existing planning approval but confirmation is required if additional hedgerow would be lost for an increased visibility splay. Hedgerows can provide foraging/commuting habitat for bat species and therefore I recommend that vegetation removal is kept to a minimum.

Consultation response received 23/01/2018:

Thanks for the photos, they have helped demonstrate the habitat in the footprint of the scheme which I couldn't judge from aerial photos. As more vegetation has been removed in the new year, there will be low potential for bat roost trees or sensitive habitats, therefore a Preliminary Ecological survey will not be required. I have still included the tree and hedgerow protection condition for native species within the remaining existing boundary which lie within close proximity to the construction of the septic tank, dwelling and garage .

I would like to specify the following conditions:

1. Prior to commencement of 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.

2. 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 scheme 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.

3. 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.

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.

Cllr Emily Durrant

No response received at the time of writing this report.

Representations

Following the display of a site notice, no public representations have been received at the time of writing this report.

Planning History

B/04/0349 – Change of use part of field, from agricultural to private garden. Conditional Consent - 08/11/04

B/03/0310 – Erection of single storey extension and garage. Conditional Consent 12/11/03

B168 – Proposed erection of a bungalow – Refuse – 23/01/75

B4198 – Proposed change of use of dwelling to guest house/restaurant – Conditional Consent – 15/09/86

Principal Planning Constraints

Historic Landscapes Register Special
Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

Technical Advice Note (TAN) 12 – Design (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)

Technical Advice Note (TAN) 24 – The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability
SP3 - Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 - Highway and Parking Requirements
HP1 – Shire Housing Allocations
HP3 – Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity & Natural Habitats
ENV 4 - Internationally Important Sites
ENV 5 - Nationally Important Sites
ENV 7 - Protected Species
ENV 8 - Tree Preservation Orders
ENV 14 - Listed Buildings
ENV 17 - Ancient Monuments & Archaeological Sites
ENV 18 - Development Proposals Affecting Archaeological Sites
DC10 – Mains Sewage Treatment
TR2 – Tourist Attractions and Development Areas

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

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.

When considering dwellings in the open countryside policy HP6 is carefully considered. The policy states that unless the proposal is for a development in compliance with the affordable housing policies of this plan, proposals for dwellings in the open countryside will only be

permitted for agricultural or forestry uses or in association with a suitable rural enterprise such dwellings will only be acceptable where they meet the following criteria:

- It can be clearly demonstrated that there is a functional need for the development and that the proposed enterprise would be financially viable.
- The dwelling should utilise an existing building in accordance with the conversion policy (GP6) or if none is available, any new dwelling shall be located adjacent to existing buildings wherever possible.

In this instance the application does not relate to a forestry enterprise. The dwelling proposed is neither related to agriculture and therefore does not comply with policy HP6 of the Powys UDP. The proposed dwelling has been submitted as an open market dwelling within the open countryside.

The proposed development is not located within a settlement, nor does it adjoin a settlement with a development boundary, it is also not located within a rural settlement as defined by the Powys UDP. The nearest settlement is Llanfihangel Tal-y-llyn which is located approximately 320 metres to the north west. The proposed development therefore does not comply with policy HP7, HP8 or HP9 of the Powys UDP (2010).

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 a single dwelling 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 range of matters including education, shops and services.

The proposed development is located approximately 320 metres to the south east of the settlement of Llanfihangel Tal-y-llyn. The settlement of Llanfihangel Tal-y-llyn is defined as a large village within the Powys Unitary Development Plan (2010). The village has a pub, village hall and a church.

Given the location of this development Officers consider the sustainability of the dwelling to be questionable.

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.

Access and Layout is reserved for future consideration, however, Powys County Council's Highway Authority has been consulted on this application. The Highway Officer initially stated that the application should be refused, it was noted that the application is made in outline, however, appropriate information should be submitted to demonstrate that an access providing visibility splays in accordance with the prevailing speeds along the C0096 is achievable. It is noted that the highway at this point is derestricted and would require appropriate visibility splays. Concerns were raised regarding the existing access arrangements which do not provide sufficient visibility splays. It is noted that there has been consent granted under the application B03/0310 to provide minor improvements to the existing access arrangements, however, these would not be sufficient for an additional dwelling in this location.

Additional information has been submitted to demonstrate an improved access and the Highway Officer has been re-consulted. The Highway Officer has stated that the visibility splays detailed on the drawings are plotted incorrectly. The Officer has therefore stated that the maximum visibility achievable to the west would be closer to just 40m instead of the required 134m. Therefore the refusal recommended by the Highway Officer remains.

The Highway Officer has been re-consulted following the removal of boundary obstructions (trees and hedgerows). The removal of these obstructions previously hindered the ability to take accurate measurements of the available access visibility along the highway. Additional site access drawings have been submitted which have detailed an alternative access position which increases the distance from the host dwelling. The Highway Officer has stated that the new access will still have impaired visibility to the west, however, the area of obstruction in this direction is significantly reduced when compared to the current situation. Current access visibility is restricted to just 12m in a westerly direction, whilst access visibility from the alternative access position previously consented, whilst improved, provides just 47m. The amended proposed access will provide visibility of 140m, however, this will be impaired at 70m. Visibility splays will be maintained over significant areas of the nearside lane for the entire 140m length.

Although the visibility will be impaired at 70m towards the settlement of Llanfihangel Tal-y-llyn it is considered that the proposed new access will provide a significant improvement to the existing access arrangements to the development site and the host dwelling.

The Highway Officer is therefore content with the development and will provide appropriately worded conditions at the reserved matters stage.

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 a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard protected species and their habitats through development proposals. 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 noted that no ecological information has been submitted with this application. The Ecologist has noted that the application site is located within an overgrown field containing mature trees and is bounded by a hedgerow along the road boundary. There are historic records of unknown bat species within 1km of the application site and aerial imagery indicates that the construction may require the loss of mature trees which could have potential as bat roosts.

It is noted that hedgerow will be lost should a new access be approved as well as removal to provide visibility splays. The Ecologist has stated that hedgerows can provide foraging/commuting habitats for bat species. It is therefore requested that a Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service will need to be undertaken to identify the habitats present on and adjacent to the site and the potential to support protected species. Further surveys may be required should any species be found or have a potential to be present and would be required to be carried out prior to determination.

Additional photographs of the development site were provided to the Ecologist. The Ecologist confirmed that the photographs have demonstrated the habitat within the footprint of the application site. As vegetation within the site boundary and along the boundary with the highway has been removed, it is considered that there will be a low potential for bat roost trees or sensitive habitats. Therefore the preliminary ecological survey initially requested is no longer necessary. The Ecologist has therefore recommended that appropriately worded

conditions are granted to any approval in order to ensure that the development does not have a detrimental impact upon protected species or their habitats.

The proposed development therefore complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) subject to the inclusion of appropriately worded conditions.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development in terms of foul drainage and noise. The Officer initially required additional information as well as porosity tests to consider whether the method of foul drainage was appropriate. Following clarification it has been confirmed that the proposed development will connect to the mains. The Environmental Health Officer has therefore confirmed that they have no further comments to make and are satisfied with the means of foul drainage.

In relation to noise impact associated with the development of this proposal, the Officer has required an appropriately worded condition upon the granting of consent. The condition will ensure that construction and landscaping is carried out during appropriate hours of the day to ensure that the neighbouring property is not detrimentally impacted in terms of noise.

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

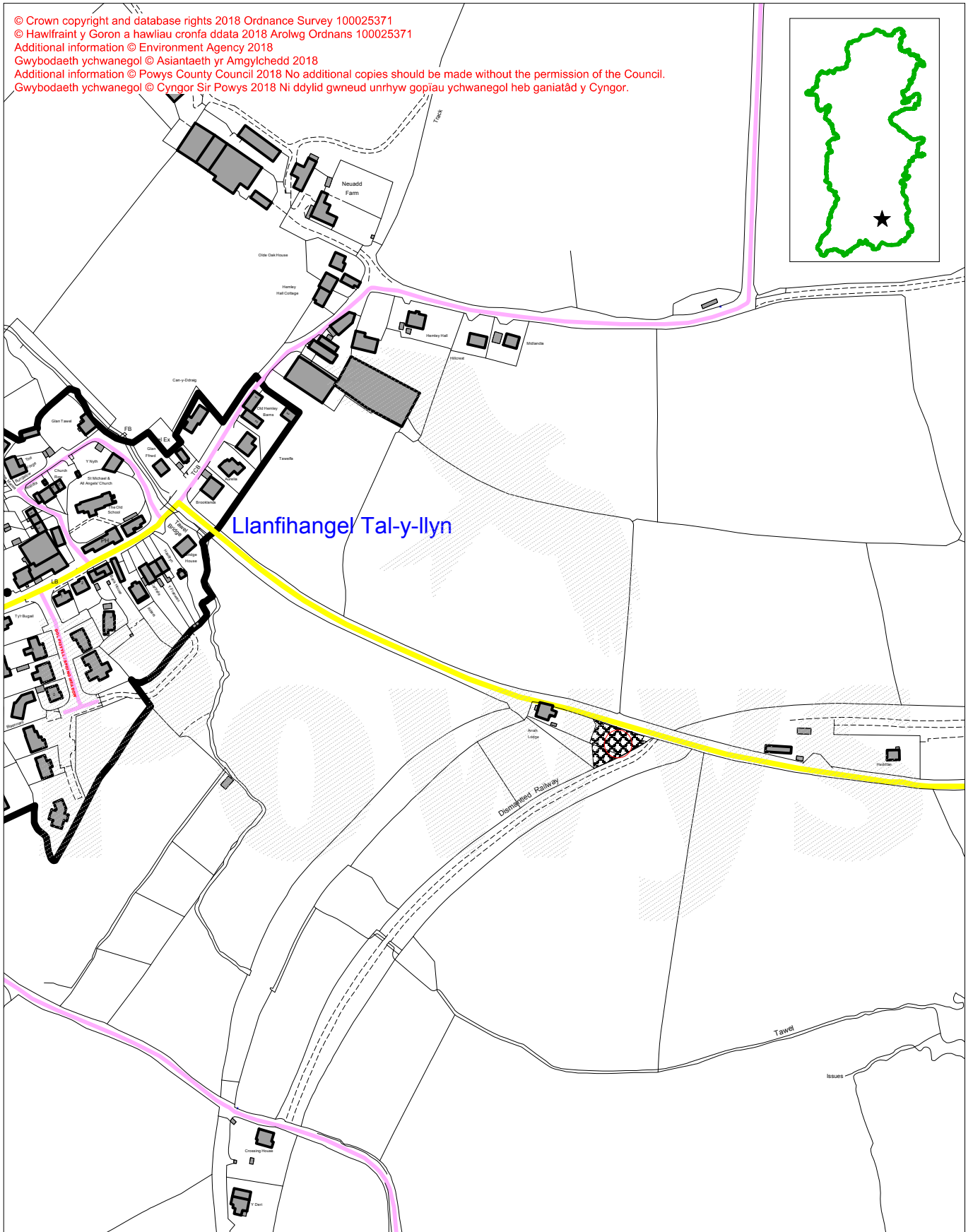
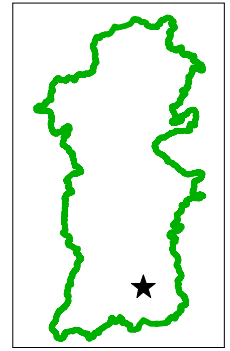
Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (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 a departure from the Powys Unitary Development Plan (2010) and does not comply with housing policies HP6, HP7, HP8 and HP9 of the Powys UDP (2010). The recommendation is therefore one of refusal on the following grounds:

1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).

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

4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1333	Grid Ref:	319238.82, 299832.5
Community Council:	Berriew	Valid Date:	Officer: 15/11/2017 Bryn Pryce
Applicant:	N Freeman, Dyffryn Industrial Estate, Severn Fast Fit, Newtown Powys		
Location:	Oakleigh, Refail, Berriew Powys SY21 8AJ		
Proposal:	Outline: Erection of single dwelling, upgrade of sewerage treatment plant and associated works		
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

This site is located off the A483 trunk road and access via a private road within the village of Refail. The site is located on land adjacent to the property known as Oakleigh. The existing site is currently used as agricultural grazing land and has some areas of hardstanding. The site is bound by agricultural grazing land and post and wire fencing.

This application seeks outline consent for the erection of a single open market dwelling, upgrade of the existing sewerage system and associated works. The application is submitted in outline form with all matters reserved for future consideration. This site is located outside of the settlement boundary of Refail and therefore represents a departure from the Unitary Development Plan 2010.

Consultee Response

Berriew CC

Correspondence received 24th November 2017

The Council has no objection to the application.

Correspondence received 26th November 2017

The Council approves the application subject to a Local Needs restriction being put in place.

PCC Highways

Correspondence received 4th December 2017

The County Council as Highway Authority

Wish the following recommendations/Observations be applied Recommendations/Observations

In the interests of highway safety.

Whilst the Highway Authority do not object to the principle of development, any detailed application should include full access details which should include access surfacing, radii, width, gradient, drainage and the internal road should be constructed to adoptable standard.

The applicant should note that upon the issuing of Building Regulations that the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the development site.

PCC Building Control

Correspondence received 22nd November 2017

Building Regulations application required.

Wales and West Utilities

Correspondence received 23rd Novemebr 2017

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

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

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

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

PCC Environmental Health

Correspondence received 24th November 2017

Re: Erection of single dwelling, upgrade of sewerage treatment plant and associated works.

Foul drainage

The proposal, based on previously submitted percolation test results for a recent application (P/2017/0318), is to install a new shared package sewage treatment plant and drainage field with design capacity for up to five dwellings. Environmental Protection has no objection to this application.

PCC Ecologist

Correspondence received 7th December 2017

Thank you for consulting me with regards to planning application P/2017/1333 which concerns an outline application for the erection of single dwelling, upgrade of sewerage treatment plant and associated works at Oakleigh Refail, Berriew, Powys.

I have reviewed the proposed plans submitted with the application as well as aerial images 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 50 record of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the site included floating water-plantain, otter, grass snake, bat species and Environment (Wales) Act 2016 Section 7 list bird species.

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

- Montgomery Canal SAC/SSSI

These designated sites are located along the western boundary of the site of the proposed development, given the proximity of the proposed development to the Montgomery Canal SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or it's associated features has been considered.

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

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

The site of the proposed developments comprises an area of improved grassland and an area which has already been excavated for other development purposes. These habitats present are considered to be of low ecological importance. However the development

boundary of trees and hedgerow on the western boundary is considered to be of moderate ecological value.

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 Protection Plan 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.

It is recommended that a Tree and Hedgerow Protection Plan is secured through an appropriately worded condition.

It is noted that the proposed plans and associated Design and Access statement indicate the provision of landscaping i.e. hedgerow planting around the boundaries of each dwelling 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 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 the development a detailed Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

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

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

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

Correspondence received 29th Novemebr 2017

Thank you for consulting Natural Resources Wales (letter dated 22/11/2017) regarding the above.

NRW does not object to the proposal but would like to raise the matters detailed below

Protected Sites

The development site is located 30m from the Montgomery Canal which is a Special Area of Conservation. We therefore advise that the proposal may have implications for the Montgomery Canal SAC and, as part of any planning application submitted the LPA will need to carry out a test of likely significant effects under regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

We remind you that the competent authority, for the purposes of the 2010 Regulations must not normally agree to any plan or project unless they are sure beyond reasonable scientific doubt that it would not adversely affect the integrity of the SAC.

Without prejudice to the assessment of the LPA, provided that;

- all construction activity is confined within the site boundary
- a pollution prevention plan is followed during construction
- appropriate permits for discharge of foul water are obtained
- the proposal is not likely to have a significant effect on the SAC.

Foul Drainage

The proposed foul drainage system to be used for this development is for a minimum of 25 people to ground. The current exemption for the disposal of treated sewage effluent to ground registered at Oakdale would not meet the criteria for the proposed discharge activity. The proposed discharge would not be exempt from Environmental Permitting and connection to foul sewage/ an environmental permit for the discharge to ground would be required. The proposed property is within approximately 400m of a sewered area (30 m for a single property which increases proportionally where there are multiple premises requiring foul drainage). If it is feasible to connect to foul sewer then an environmental permit would not be granted. The applicant should discuss this with the sewage undertaker for the area (Severn Trent Water Ltd).

Further information can be found in NRW Guidance for environmental permit applications: Part B6.5 – Discharging treated sewage effluent up to 15 cubic metres a day into ground. <http://naturalresourceswales.gov.uk/permits-and-permissions/water-discharges/discharges-to-surface-water-and-groundwater/apply-for-a-new-bespoke-permit/?lang=en>

Pollution Prevention

Due to the proximity of the Montgomery Canal SAC, appropriate pollution prevention measures must be in place (Pollution Prevention Plan), to ensure that the water environment is not polluted during the construction phase. 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 water discharge activity.

Should any pollution or discolouration become apparent, work must stop and working practises be reviewed in consultation with Natural Resources Wales. All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

Any waste excavation material or building waste generated during the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Waste Transfer notes shall be kept for each load for a minimum of 2 years.

The importing of inert waste onto the site for storage or use in construction, maintenance or improvement works, for example hardcore, soils, must be undertaken in accordance with the Environmental Permitting Regulations 2016.

Protected Species

NRW has not considered European Protected Species(EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

NRW has multiple records of Great Crested Newts within 1km radius of the proposal and the site appears to have suitable terrestrial habitat for this species. The proposed dwelling is also within 100m of a pond.

Scope of NRW Comments

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

Welsh Government Transport

Correspondence received 28th November 2017

I refer to your consultation of 22/11/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

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

Canal and River Trust

Correspondence received 11th December 2017

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales’ historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Having reviewed the application consultation our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended.

Based on the information available we have **concerns** relating to the lack of ecological assessment.

The site is adjacent to the Montgomery Canal which is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), however no ecological investigation or survey appear to have been undertaken, consequently it is not known whether or not the development would have an impact on these designations. Equally, without such investigation, it is not possible to ascertain the extent to which mitigation may be necessary to ensure that the adjacent canal is adequately protected during and after development.

Given the above designations we are surprised that at Section 6 of the application form it is indicated that there are no designated sites, important habitats or other biodiversity features on or adjacent to the site or any protected and priority species. The application details do not appear to acknowledge the designation or the importance of the adjacent canal.

In the absence of this we would have concerns relating to the potential for pollution or run-off during construction and ongoing occupation which may adversely impact the water quality or result in contamination of the canal, which in turn would have an adverse impact on the statutory designations. Any impacts on boundary habitats would also need to be considered and addressed.

In light of the above, we consider that it is reasonable to request that an ecological survey is undertaken before the application is determined. Depending on the findings of the survey and assessments then appropriate consideration of, and mitigation against potential impacts on the designated sites would need to be addressed directly with Natural Resources Wales as the regulator.

For Glandŵr Cymru to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice.

If you have any queries please contact me, my details are below.

Representations

No third party responses received by Development Management at the time of writing this report.

Planning History

P/2017/0318 - Full: Erection of 2 dwellinghouses with detached garages, installation of new septic tank for plot 2 only and all associated works – Conditional Consent

P/2016/0399 - Erection of an affordable dwellinghouse, detached garage, installation of septic tank and all associated works - CC

P/2015/1113 - P/2015/1113 - Erection of affordable dwelling and detached garage and installation of a septic tank - WITHDRAWN

P/2012/0442 - Erection of a local needs dwelling - CC

M/2002/0055 - Change of use of land

M2005/0358 - Erection of dwelling and installation of sewage treatment - Refused 11/5/05

Principal Planning Constraints

SSSI

Special Area of Conservation

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) 2: Planning and Affordable Housing (2006)

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

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

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

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

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

Local Planning Policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 - Housing Land Availability

HP4 - Settlement Development Boundaries and Capacities

HP5 - Residential Development

HP6 - Dwellings in the Open Countryside

HP8 – Affordable Housing adjoining Settlements with Development Boundaries

HP14 – Sustainable Housing

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC8 – Public Water Supply
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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

This application site lies near to the settlement boundary of Refail (approximately 50 metres) which is classified in the Powys Unitary Development Plan 2010 as a large village. There are two existing dwellings between the settlement boundary and the proposed application site. The proposal is for a single market dwelling and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

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

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Refail is defined in the UDP as a large village with two allocated sites (M188 HA1 and M188 HA2, allocated for 13 dwellings in total). The settlement itself has a range of community facilities and services. There are public transport links within walking distance of the site on the main trunk road with the Key Settlement of Berriew being a short driving distance of 0.9 miles to the north west of Refail which offers a range of facilities and services. The proposed location is considered to be a sustainable location for the scale of the development proposed.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The Layout and design and access statement suggest that the proposed dwelling will be a two storey dwelling with integral garage. The proposed dwellings is to be between 6-16.5 metres in length, 8.5-15 metres in width, height to the eaves of not more than 5 metres with a height to the ridge of between 4.5-8 metres.

No indicative details of design of the dwelling are given at this stage but it is a matter to be considered at any future reserved matters application stage. The design and access statement or planning application form doesn't give any information in terms of proposed materials at this stage.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling comfortably 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.

Agricultural Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map (Wales) has been assessed as part of this application and the site in question is shown as Category 3a – which is good to moderate quality agricultural land. Despite the classification given by the above tool, the existing site is previously developed land in which a historic application for a horse stables was granted consent and was part implemented to foundation level with the surrounding land being fenced off by post and wire fencing and no longer being used for the purposes of agricultural grazing.

Given the classification of the application site and its current use and previous history, it is not considered that development on the proposed site would result in the loss of high grade agricultural land, compliant with UDP policy ENV1.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

This proposed site is considered to be well connected to the large village of Refail being near to the built up area and existing dwellings. It is considered that the proposed site is well integrated with the existing large village and would not have an unacceptable significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Tourism

The proposed site is located within close proximity of the Montgomery Canal. The development would be visible from the canal, however taking into account the location being next to a residential area, the impact upon the tourist attraction of the canal is considered acceptable.

In light of the above, it is considered that the proposed development complies with policy TR2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authorities have been consulted and have provided comments. The proposed development is to utilise the existing access onto the trunk road and therefore the trunk road authority have not issued a direction in respect of this. PCC highways officers have raised no objection in principle to the proposed development given that access is to be determined at the reserved matters stage. However, officers are satisfied that a suitable and safe access can be achieved at the proposed site.

In light of the highways officers comments it is considered that the proposed dwelling fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

This application includes the installation of an upgraded treatment tank and soakaway system and the applicant has provided information in respect of capacity and porosity tests for the drainage field. As part of this application process our Environmental Health officers have been consulted and they have raised no objection to the proposal with the information being submitted in support of the application being sufficient.

Officers consider that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions. This application has been submitted in outline form with all matters reserved and officers will only include relevant conditions at this stage other matters can be dealt with at reserved matters stages.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

Habitats Regulations Assessment (HRA)

This site is located within 500 metres of the Montgomery Canal SSSI and SAC and therefore must be subject to a Habitats Regulations Assessment. The county ecologist was requested to carry out an assessment of the proposed development and the likely significant effects. The HRA has been carried out by our ecologist and has screened the proposed development as no likely significant effects.

Affordable Housing

This application seeks outline consent for a single open market dwelling outside the settlement limits of Refail. This application (P/2017/1333) is one application of two currently being consider adjacent to each other. The other application also seeks outline consent for the erection of a single open market dwelling under application P/2017/1337. These applications have been submitted by the same applicant and the land is within the applicant's ownership.

Prior to these applications being submitted another application (P/2017/0318) was submitted for two open market dwellings which was granted conditional consent at committee on a site which lies adjacent to the application site for P/2017/1337. All three sites are within the same applicants control and none of which have yet been commenced. The sites cumulatively could be considered as one larger site accessed by the same access road and private track. The separate applications has been seen by development management to represent site splitting with the total area of the site being over 0.3 hectares which would trigger the requirement for affordable housing provision. As a result of this officers have gone back to the applicant requiring that an affordable housing contribution is made.

The applicant has confirmed that they are willing to make an affordable housing contribution in the form of a commuted sum. The council's affordable housing officer has been consulted but has yet to respond. This will be reported to member via an update report.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

In the 2011 census the Refail Ward reported that 9.5% of the population spoke Welsh. This is an increase from the 2001 census which stated that 3.7% of the population of Berriew Spoke Welsh. Officers consider that the development of two dwellings in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to

ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional consent.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 15th November 2017 (drawing no's: location plan, 2687.30).
5. 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.

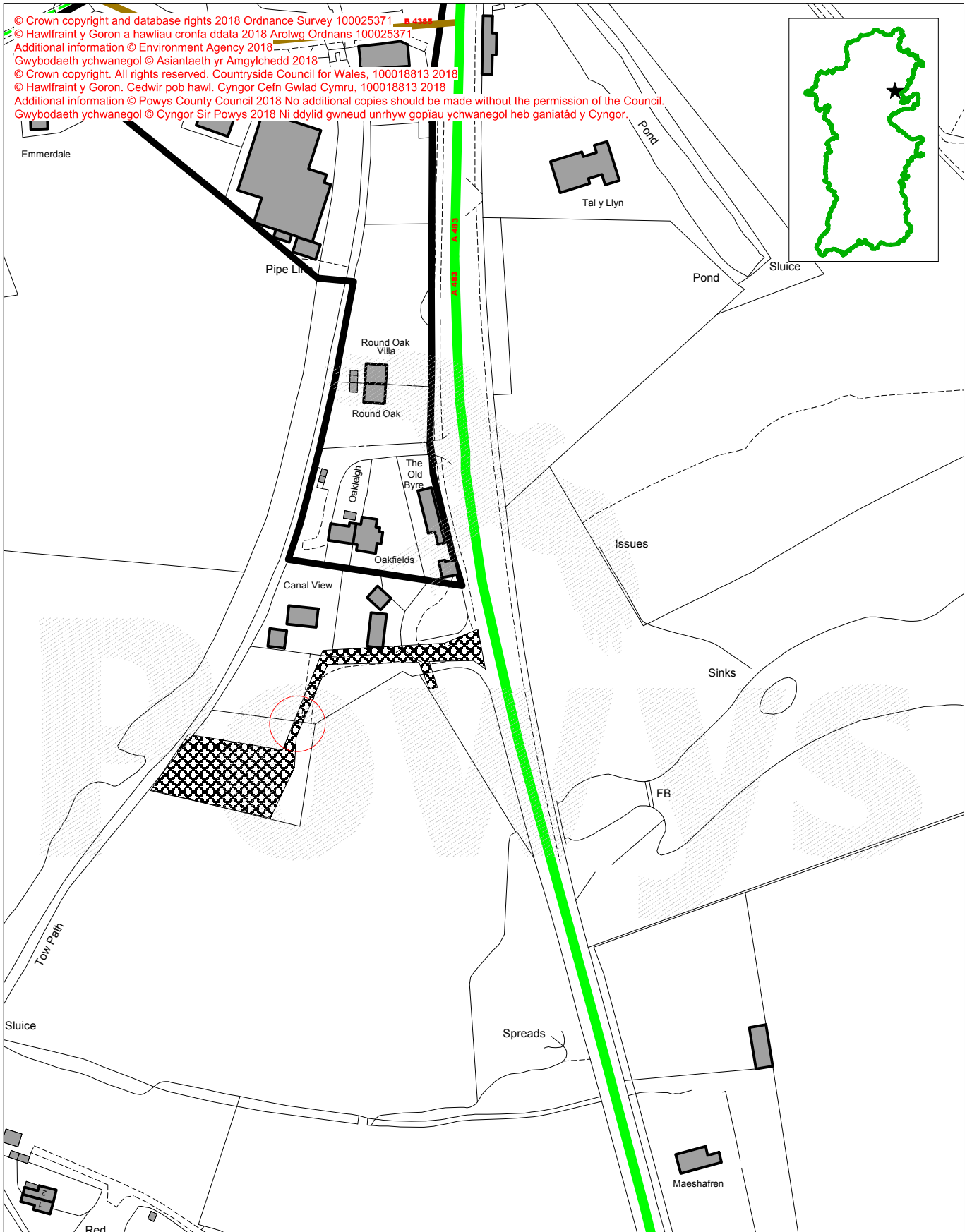
Reasons

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. 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.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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

4.8

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1337	Grid Ref:	319224.46, 299837.25
Community Council:	Berriew	Valid Date:	Officer: 15/11/2017 Bryn Pryce
Applicant:	N Freeman Dyffryn Industrial Estate, Severn Fast Fit, Newtown Powys		
Location:	Oakleigh, Refail, Berriew Powys SY21 8AJ		
Proposal:	Outline - Erection of single dwelling, upgrade of sewerage treatment plant and associated works		
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

This site is located off the A483 trunk road and access via a private road within the village of Refail. The site is located on land near to the property known as Oakleigh. The existing site is currently used as agricultural grazing land and has some areas of hardstanding. The site is bound by agricultural grazing land and post and wire fencing.

This application seeks outline consent for the erection of a single open market dwelling, upgrade of the existing sewerage system and associated works. The application is submitted in outline form with all matters reserved for future consideration. This site is located outside of the settlement boundary of Refail and therefore represents a departure from the Unitary Development Plan 2010.

Consultee Response

Berriew CC

Correspondence received 24th November 2017

The Council has no objection to the application.

Correspondence received 26th November 2017

The Council approves the application subject to a Local Needs restriction being put in place.

PCC Highways

Correspondence received 4th December 2017

The County Council as Highway Authority

Wish the following recommendations/Observations be applied Recommendations/Observations

In the interests of highway safety.

Whilst the Highway Authority do not object to the principle of development, any detailed application should include full access details which should include access surfacing, radii, width, gradient, drainage and the internal road should be constructed to adoptable standard.

The applicant should note that upon the issuing of Building Regulations that the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the development site.

PCC Building Control

Correspondence received 22 Novemebr 2017

Building Regulations application required.

Wales and West Utilities

Correspondence received 23rd Novemebr 2017

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

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

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

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

PCC Environmental Health

Correspondence received 24th Novemebr 2017

Re: Erection of single dwelling, upgrade of sewerage treatment plant and associated works.

Foul drainage

The proposal, based on previously submitted percolation test results for a recent application (P/2017/0318), is to install a new shared package sewage treatment plant and drainage field with design capacity for up to five dwellings. Environmental Protection has no objection to this application.

PCC Ecology

Correspondence received 7th December 2017

Thank you for consulting me with regards to planning application P/2017/1337 which concerns an outline application for the erection of single dwelling, upgrade of sewerage treatment plant and associated works at Oakleigh Refail, Berriew, Powys.

I have reviewed the proposed plans submitted with the application as well as aerial images 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 50 record of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the site included floating water-plantain, otter, grass snake, bat species and Environment (Wales) Act 2016 Section 7 list bird species.

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

- Montgomery Canal SAC/SSSI

These designated sites are located along the western boundary of the site of the proposed development, given the proximity of the proposed development to the Montgomery Canal SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or it's associated features has been considered.

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

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

The site of the proposed developments comprises an area of improved grassland and an area which has already been excavated for other development purposes. These habitats present are considered to be of low ecological importance. However the development

boundary of trees and hedgerow on the western boundary is considered to be of moderate ecological value.

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 Protection Plan 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.

It is recommended that a Tree and Hedgerow Protection Plan is secured through an appropriately worded condition.

It is noted that the proposed plans and associated Design and Access statement indicate the provision of landscaping i.e. hedgerow planting around the boundaries of each dwelling 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 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 the development a detailed Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

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

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

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

Correspondence received 29th November 2017

Thank you for consulting Natural Resources Wales (letter dated 22/11/2017) regarding the above.

NRW does not object to the proposal but would like to raise the matters detailed below

Protected Sites

The development site is located 30m from the Montgomery Canal which is a Special Area of Conservation. We therefore advise that the proposal may have implications for the Montgomery Canal SAC and, as part of any planning application submitted the LPA will need to carry out a test of likely significant effects under regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

We remind you that the competent authority, for the purposes of the 2010 Regulations must not normally agree to any plan or project unless they are sure beyond reasonable scientific doubt that it would not adversely affect the integrity of the SAC.

Without prejudice to the assessment of the LPA, provided that;

- all construction activity is confined within the site boundary
- a pollution prevention plan is followed during construction
- appropriate permits for discharge of foul water are obtained
- the proposal is not likely to have a significant effect on the SAC.

Foul Drainage

The proposed foul drainage system to be used for this development is for a minimum of 25 people to ground. The current exemption for the disposal of treated sewage effluent to ground registered at Oakdale would not meet the criteria for the proposed discharge activity. The proposed discharge would not be exempt from Environmental Permitting and connection to foul sewage/ an environmental permit for the discharge to ground would be required. The proposed property is within approximately 400m of a sewered area (30 m for a single property which increases proportionally where there are multiple premises requiring foul drainage). If it is feasible to connect to foul sewer then an environmental permit would not be granted. The applicant should discuss this with the sewage undertaker for the area (Severn Trent Water Ltd).

Further information can be found in NRW Guidance for environmental permit applications: Part B6.5 – Discharging treated sewage effluent up to 15 cubic metres a day into ground.

<http://naturalresourceswales.gov.uk/permits-and-permissions/water-discharges/discharges-to-surface-water-and-groundwater/apply-for-a-new-bespoke-permit/?lang=en>

Pollution Prevention

Due to the proximity of the Montgomery Canal SAC, appropriate pollution prevention measures must be in place (Pollution Prevention Plan), to ensure that the water environment is not polluted during the construction phase. 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 water discharge activity.

Should any pollution or discolouration become apparent, work must stop and working practises be reviewed in consultation with Natural Resources Wales. All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

Any waste excavation material or building waste generated during the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Waste Transfer notes shall be kept for each load for a minimum of 2 years.

The importing of inert waste onto the site for storage or use in construction, maintenance or improvement works, for example hardcore, soils, must be undertaken in accordance with the Environmental Permitting Regulations 2016.

Protected Species

NRW has not considered European Protected Species(EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

NRW has multiple records of Great Crested Newts within 1km radius of the proposal and the site appears to have suitable terrestrial habitat for this species. The proposed dwelling is also within 100m of a pond.

Scope of NRW Comments

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

Welsh Government Transport

Correspondence received 28th Novemebr 2017

I refer to your consultation of 22/11/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

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

Canal and River Trust

Correspondence received 11th December 2017

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales’ historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Having reviewed the application consultation our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended.

Based on the information available we have **concerns** relating to the lack of ecological assessment.

The site is adjacent to the Montgomery Canal which is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), however no ecological investigation or survey appear to have been undertaken, consequently it is not known whether or not the development would have an impact on these designations. Equally, without such investigation, it is not possible to ascertain the extent to which mitigation may be necessary to ensure that the adjacent canal is adequately protected during and after development.

Given the above designations we are surprised that at Section 6 of the application form it is indicated that there are no designated sites, important habitats or other biodiversity features on or adjacent to the site or any protected and priority species. The application details do not appear to acknowledge the designation or the importance of the adjacent canal.

In the absence of this we would have concerns relating to the potential for pollution or run-off during construction and ongoing occupation which may adversely impact the water quality or result in contamination of the canal, which in turn would have an adverse impact on the statutory designations. Any impacts on boundary habitats would also need to be considered and addressed.

In light of the above, we consider that it is reasonable to request that an ecological survey is undertaken before the application is determined. Depending on the findings of the survey and assessments then appropriate consideration of, and mitigation against potential impacts on the designated sites would need to be addressed directly with Natural Resources Wales as the regulator.

For Glandŵr Cymru to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice.

If you have any queries please contact me, my details are below.

Representations

No third party responses received by Development Management at the time of writing this report.

Planning History

P/2017/0318 - Full: Erection of 2 dwellinghouses with detached garages, installation of new septic tank for plot 2 only and all associated works – Conditional Consent

P/2016/0399 - Erection of an affordable dwellinghouse, detached garage, installation of septic tank and all associated works - CC

P/2015/1113 - P/2015/1113 - Erection of affordable dwelling and detached garage and installation of a septic tank - WITHDRAWN

P/2012/0442 - Erection of a local needs dwelling - CC

M/2002/0055 - Change of use of land

M2005/0358 - Erection of dwelling and installation of sewage treatment - Refused 11/5/05

Principal Planning Constraints

SSSI

Special Area of Conservation

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) 2: Planning and Affordable Housing (2006)

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

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

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

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

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

Local Planning Policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 - Housing Land Availability

HP4 - Settlement Development Boundaries and Capacities

HP5 - Residential Development

HP6 - Dwellings in the Open Countryside

HP8 – Affordable Housing adjoining Settlements with Development Boundaries

HP14 – Sustainable Housing

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC8 – Public Water Supply
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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

This application site lies near to the settlement boundary of Refail (approximately 50 metres) which is classified in the Powys Unitary Development Plan 2010 as a large village. There are two existing dwellings between the settlement boundary and the proposed application site. With another open market dwelling approved under P/2017/0318 approved between the site and the two dwellings. The proposal is for a single market dwelling and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

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

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Refail is defined in the UDP as a large village with two allocated sites (M188 HA1 and M188 HA2, allocated for 13 dwellings in total). The settlement itself has a range of community facilities and services. There are public transport links within walking distance of the site on the main trunk road with the Key Settlement of Berriew being a short driving distance of 0.9 miles to the north west of Refail which offers a range of facilities and services. The proposed location is considered to be a sustainable location for the scale of the development proposed.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The Layout and design and access statement suggest that the proposed dwelling will be two storey dwelling with integral garage. The proposed dwellings is to be between 6-16.5 metres in length, 8.5-15 metres in width, height to the eaves of not more than 5 metres with a height to the ridge of between 4.5-8 metres.

No indicative details of design of the dwelling are given at this stage but it is a matter to be considered at any future reserved matters application stage. The design and access statement or planning application form doesn't give any information in terms of proposed materials at this stage.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling comfortably 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.

Agricultural Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map (Wales) has been assessed as part of this application and the site in question is shown as Category 3a – which is good to moderate quality agricultural land. Despite the classification given by the above tool, the existing site is previously developed land in which a historic application for a horse stables was granted consent and was part implemented to foundation level with the surrounding land being fenced off by post and wire fencing and no longer being used for the purposes of agricultural grazing.

Given the classification of the application site and its current use and previous history, it is not considered that development on the proposed site would result in the loss of high grade agricultural land, compliant with UDP policy ENV1.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

This proposed site is considered to be well connected to the large village of Refail being near to the built up area and existing dwellings. It is considered that the proposed site is well integrated with the existing large village and would not have an unacceptable significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Tourism

The proposed site is located within close proximity of the Montgomery Canal. The development would be visible from the canal, however taking into account the location being next to a residential area, the impact upon the tourist attraction of the canal is considered acceptable.

In light of the above, it is considered that the proposed development complies with policy TR2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authorities have been consulted and have provided comments. The proposed development is to utilise the existing access onto the trunk road and therefore the trunk road authority have not issued a direction in respect of this. PCC highways officers have raised no objection in principle to the proposed development given that access is to be determined at the reserved matters stage. However, officers are satisfied that a suitable and safe access can be achieved at the proposed site.

In light of the highways officers comments it is considered that the proposed dwelling fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks

to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

This application includes the installation of an upgraded treatment tank and soakaway system and the applicant has provided information in respect of capacity and porosity tests for the drainage field. As part of this application process our Environmental Health officers have been consulted and they have raised no objection to the proposal with the information being submitted in support of the application being sufficient.

Officers consider that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions. This application has been submitted in outline form with all matters reserved and officers will only include relevant conditions at this stage other matters can be dealt with at reserved matters stages.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

Habitats Regulations Assessment (HRA)

This site is located within 500 metres of the Montgomery Canal SSSI and SAC and therefore must be subject to a Habitats Regulations Assessment. The county ecologist was requested to carry out an assessment of the proposed development and the likely significant effects. The HRA has been carried out by our ecologist and has screened the proposed development as no likely significant effects.

Affordable Housing

This application seeks outline consent for a single open market dwelling outside the settlement limits of Refail. This application (P/2017/1337) is one application of two currently being consider adjacent to each other. The other application also seeks outline consent for the erection of a single open market dwelling under application P/2017/1333. These applications have been submitted by the same applicant and the land is within the applicants ownership.

Prior to these applications being submitted another application (P/2017/0318) was submitted for two open market dwellings which was granted conditional consent at committee on a site which lies adjacent to the application site for P/2017/1337. All three sites are within the same applicants control and none of which have yet been commenced. The sites cumulatively could be considered as one larger site accessed by the same access road and private track. The separate applications has been seen by development management to represent site splitting with the total area of the site being over 0.3 hectares which would trigger the

requirement for affordable housing provision. As a result of this officers have gone back to the applicant requiring that an affordable housing contribution is made.

The applicant has confirmed that they are willing to make an affordable housing contribution in the form of a commuted sum. The council's affordable housing officer has been consulted and it is hoped that his response will be reported via an update report.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

In the 2011 census the Refail Ward reported that 9.5% of the population spoke Welsh. This is an increase from the 2001 census which stated that 3.7% of the population of Berriew Spoke Welsh. Officers consider that the development of two dwellings in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional consent.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters""") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 15th November 2017 (drawing no's: Location Plan, 2687.30).
5. 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.

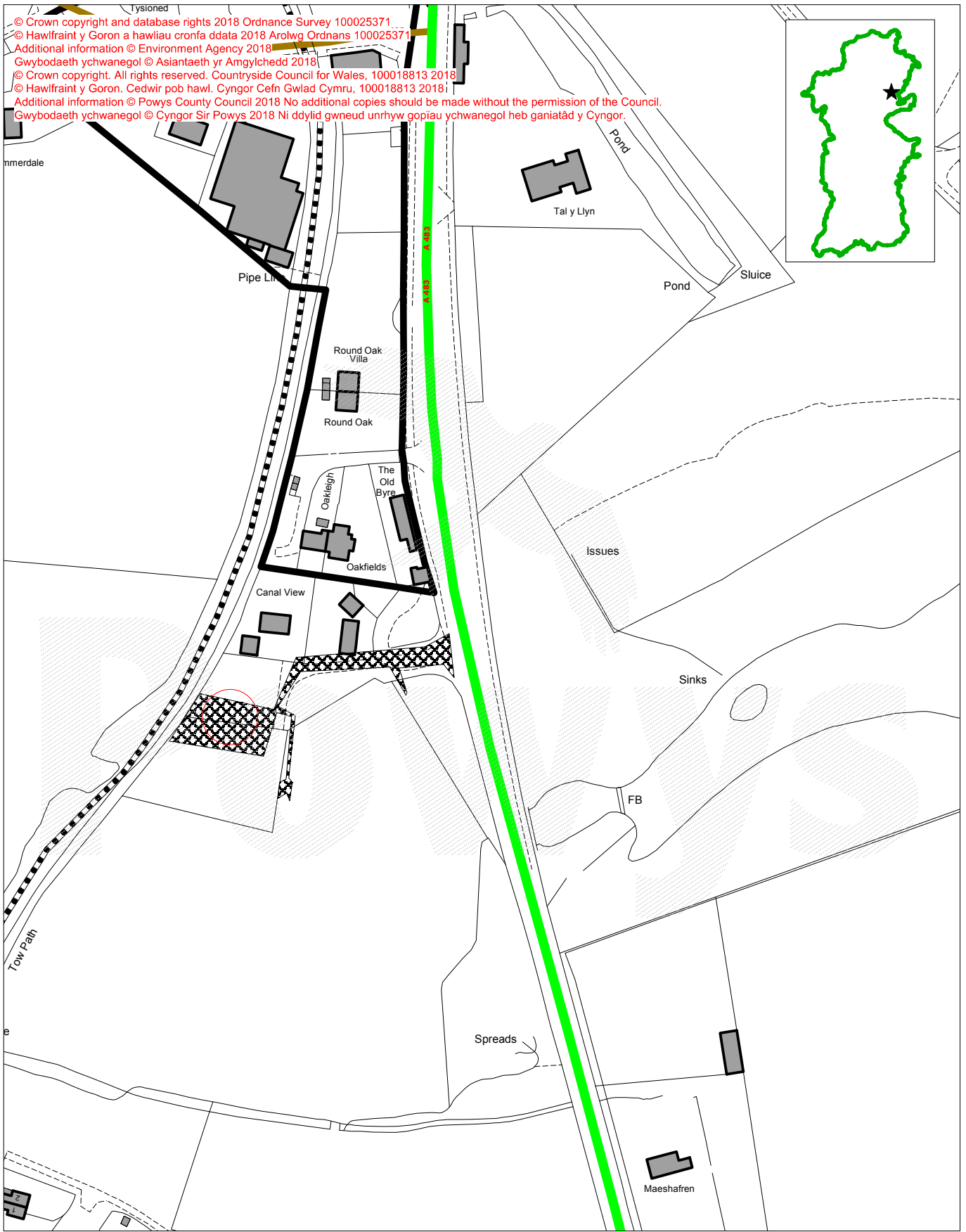
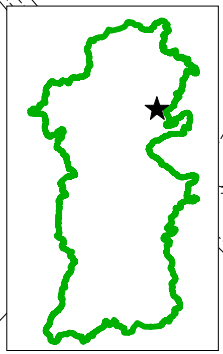
Reasons

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. 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.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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

4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1317	Grid Ref:	289260.79 292298.39
Community Council:	Trefeglwys	Valid Date:	Officer: 10/11/2017 Luke Jones
Applicant:	Mr & Mrs W J Davies, Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU		
Location:	Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU		
Proposal:	Outline - Erection of dwelling, garage and associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

The applicant is a close relative to a County Councillor.

Site Location and Description

The application site is located within the community council area of Llanbrynmair and within the rural settlement of Staylitttle as defined by the Powys Unitary Development Plan (2010).

To the north of the proposed site is agricultural land and to the south of the proposed site is the existing coach and operation centre of Celtic Travel and the county highway C2072. To the east of the site is woodland and agricultural land and to the west of the site is an existing dwelling known as Pant-y-Gamallt,

The application is in Outline for the erection of as single open market dwelling, detached garage and associated works with some matters reserved, except for access in which consent is sought for under this application.

Consultee Response

Llanbrynmair Community Council

No comments received at the time of writing this report.

PCC Highways

The County Council as Highway Authority for the County Class III Highway, C2072

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to the occupation of the 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.

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.

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.

Prior to from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

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.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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.

Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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. No storm water drainage from the site shall be allowed to discharge onto the county highway.

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

PCC Building Control

No comments received at the time of writing this report.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 20.11.2017, advising us of the proposals for:

Pant-y-Gamalt, Staylittle, Llanbrynmair, Powys, SY19 7BU

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

PCC Environmental Health

22nd Novemeber 2017 -

Thank you for your consultation in respect of this application. I note that the applicant has indicated that they will be connecting to a septic tank, however no details of the tank or drainage field are provided.

It will be necessary for the applicant to provide full details of the septic tank showing that it is of sufficient capacity for the dwelling and is suitable located. In order to show that the ground is suitable for a soakaway the applicant will need to provide a porosity test in accordance with document H2 of the Building Regulations and will also need to show a soakaway of a suitable size.

Additional comments received 12th January 2018 –

Thank you for the additional detail. I visited the site yesterday; unfortunately I could not find evidence of the percolation tests.

What I did find was the site that was water logged and with poor draining soil, see the pictures attached above. Whilst the site had been cleared in places it is apparent that it would have otherwise been covered in thick reeds, as the adjacent land is. Such plants do prefer waterlogged soils.

There was standing water on the site and heavy clay was visible. A drainage ditch was also cut through the site probably as a result of poor draining soil.

I cannot accept the applicants position that the site would be suitable for septic tank drainage and would therefore object to the application. I would be happy to consider any alternative suggestions.

Additional comments received 15th January 2018 –

Thank you for the amended details, I assume that the applicant is now proposing a private treatment plant instead of a septic tank (although I could not see this in the details).

If this is the case then I would have no objection to the application subject to the necessary discharge consent being obtained from NRW.

PCC Built Heritage

Thank you for consulting me on the above application.

I can confirm that the site is not directly adjacent to any listed buildings however there are a number of Scheduled Ancient Monuments to the west of the B4518.

The application site lies within the Staylitttle sub area of the Clywedog Valley Historic Landscape which has a complex historic settlement pattern of dispersed discrete clusters of houses.

The dispersed settlement at Staylitttle (Penffordd-Lâs) was in existence by the later 17th to early 18th century, probably due to its position on the edge of unenclosed common land roughly midway between Llanidloes, Machynlleth and Llanbrynmair. A number of small scattered quarries probably represent sources of building stone during the post-medieval

period. In the early 18th-century the farm at Esgair-goch became an important focus of Quakerism in Montgomeryshire, with a Meeting House, to which a burial ground, the Quakers' Garden, was attached. Though not itself a mining village, houses here and elsewhere in the area probably provided accommodation for miners during the 19th century working at the Dylife and Dyfngwm mines to the west and north-west. It also became an a significant rural centre of nonconformist worship for the local farming and mining communities, with both a Methodist chapel, formerly at Rock Villa, established in 1806, and rebuilt in 1875, and a Baptist Chapel first built in 1805 and enlarged in 1859. A new school was built which opened in the 1874. Rural depopulation resulting from the collapse of the mining industry and farm amalgamations during the 20th century led to the abandonment of farms and smaller cottages and chapels, some of which have been renovated as second homes.

(Source: CPAT Historic Landscape Characterisation).

The site is not close to or readily visible from any listed buildings although the site lies within the designated Historic Landscape. The site lies outside the small cluster of dwellings at Staylitttle which contain 6 entries on the Historic Environment Record depicting its historical past with a Bronze Age Barrow and more recent activity with the milestone, smithy, Methodist chapel and Staylitttle School in addition to a Quaker cemetery.

The development within this part of the Registered Historic Landscape is dispersed and as such could easily be damaged by inappropriate development. However in this instance the proposed site is closely sited to the cluster of properties at Staylitttle and sited adjacent to an existing building and relatively well screened.

I can confirm that I would have no objection to the proposal on built heritage grounds. However given its location within a Registered Historic Landscape I would hope that the reserved matters application would reflect its sensitive location in terms of design and materials.

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1317 which concerns an outline application for erection of a dwelling, garage and associated works (some matters reserved) at Pantygamallt, Staylitttle, Llanbrynmair, Powys.

I have reviewed the proposed plans submitted as well as aerial images and photographs of the site and surrounding habitats - local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified 33 record of protected and priority species within 1km of the proposed development, no records were for the site itself.

There are no statutory or non-statutory designated sites are present within 1km of the proposed development.

Reviewing onsite photographs it appears that the areas impacted by the proposed developments have already been cleared of all vegetation and trees have been felled.

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 Replacement Plan is secured through an appropriately worded condition, where it is necessary to remove any trees 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 and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the trees 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 Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements. In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

Prior to commencement of development a Tree Replacement Plan shall be submitted to the Local Planning Authority and implemented in full 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.

Representations

Following the display of a site notice on 23/11/2017, there have been no public representations received.

Planning History

None

Principal Planning Constraints

Historic Landscapes Register
Clywedog Article 4

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 2 - Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 - Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 - Economic Development (2014)
Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)
Welsh Government Circular 016/2014: The Use of Conditions
Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)
SP5 – Housing Developments
SP6 – Development and Transport
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
HP3 - Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
HP6 – Dwellings in the Open Countryside
HP8 - Affordable Housing adjoining Settlements with Development Boundaries
HP9 – Affordable Housing in Rural Settlements
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development

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.

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

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application and balanced against compliance with national planning policies as set out within Section 6.2 of TAN 1:

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

Whilst the 2.2 years of Powys housing supply is a material consideration which should be given considerable weight in determining applications for residential development, consideration is also given the location of the development in a designated rural settlement

and that the proposal is for a single unit of accommodation to serve an identified local need for housing.

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 rural settlement of Staylitttle has a local shop and a Chapel which are within walking distance of the proposed site. The development site is approximately 7.6 miles away from Llanidloes which is identified in the UDP as an Area Centre and is served by a wide range of community services and facilities including a hospital, secondary school, primary school, leisure centre, library, numerous shops and public houses. The development site is approximately 7.9 miles from Llanbrynmair which is defined in the UDP as a large village.

In light of the services within Staylitttle and a range of services located within travelling distance of the development site, officers consider that on balance, the proposed site is 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.

Staylitttle is considered to be made up of a centrally located cluster of dwelling and buildings (shop & recreational facility) that is then surrounded by further more sporadic dwelling. The proposed dwelling has been located adjacent to an existing dwelling which is considered to fit in with the aforementioned character of the village.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development. The proposed development seeks to utilise an existing access onto the C2072 County Highway. The Local Highway Authority has been consulted on the proposed development, the Highway Authority has no objections to the proposed development subject to the inclusion of a number of conditions regarding visibility, parking provision, drainage and surfacing.

In light of the above and subject to the recommended conditions, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

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.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting, orientation and elevation, and it is not believed that the proposal would unacceptably impact on residential amenity.

The closest neighbouring property is Pant-y-Gamallt located approximately 23 metres to the west of the application site. The siting of the proposed dwelling is unlikely to have an impact in terms of overlooking and privacy to the nearest neighbouring dwelling. Taking this into account, it is considered that the proposal would not unacceptably affect the amenities enjoyed by occupiers of neighbouring properties or the proposed dwelling, in accordance with UDP Policy GP1.

In terms of the proposed dwelling, the indicative layout demonstrates adequate outdoor amenity space and subject to details on appearance and layout which would be considered at reserved matters stage, it is considered that adequate provision could be made for amenity in terms of privacy as set out within the Powys Residential Design Guide and UDP Policy GP1.

Biodiversity

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

The Ecologist reviewed the proposed plans submitted as well as aerial images and photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified 33 records of protected and priority species within 1km of the proposed development, although no records were for the site itself.

The Ecologist confirmed there are no statutory or non-statutory designated sites present within 1km of the proposed development.

The Ecologist recommended the inclusion of a number of conditions regarding a tree Replacement Plan, Lighting Design Scheme and landscaping. In terms of the landscaping plan it is noted that this is a reserved matter and, as such, these details will be considered at a later stage. It is not considered necessary to attach the condition regarding a tree replacement plan. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development

fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Built Heritage

The Built Heritage officer has been consulted regarding the application and noted that the site is not directly adjacent to any listed buildings, however there are a number of Scheduled Ancient Monuments to the west of the B4518.

The application site lies within the Staylitttle sub area of the Clywedog Valley Historic Landscape which has a complex historic settlement pattern of dispersed discrete clusters of houses.

The officer noted the site is not close to or readily visible from any listed buildings although the site lies within the designated Historic Landscape. The site lies outside the small cluster of dwellings at Staylitttle which contain 6 entries on the Historic Environment Record depicting its historical past with a Bronze Age Barrow and more recent activity with the milestone, smithy, Methodist chapel and Staylitttle School in addition to a Quaker cemetery.

The development within this part of the Registered Historic Landscape is dispersed and as such could easily be damaged by inappropriate development. However, in this instance the proposed site is closely sited to the cluster of properties at Staylitttle and sited adjacent to an existing building and relatively well screened.

The Built Heritage officer therefore confirmed that she would have no objection to the proposal on Built heritage grounds.

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

Foul Drainage

The Environmental Health officer has been consulted regarding the application and noted that the proposed site is not suitable for septic tank drainage. However the agent sent in amended plans showing a private treatment plant in order to allow the site to discharge into an existing watercourse near to the site.

The Environmental Health officer was consulted regarding the amended plans and has no objection to the amended drainage proposal. Natural Resources Wales were also consulted regarding the application, at present no comments have been received from NRW, however Members will be updated regarding any comments received from NRW prior to the meeting.

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. Staylitttle falls under the ward of Trefeglwys where the Welsh language is identified as being important.

In the 2011 census the Trefeglwys Ward reported that 29% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 35% of the population of Trefeglwys spoke Welsh. A Welsh Language Assessment has been undertaken and the figures above illustrate that the area of Trefeglwys has suffered from a decline of Welsh speakers in the village. With every rural area, it suffers from an ageing population. The proposal is for one dwelling and therefore the development is negligible in comparison to the overall area of Trefeglwys and which is considered proportionate to the settlement of Staylitttle, given that limited housing has been provided within the settlement for over 5 years.

In relation to economic development, it is considered that the potential construction of the dwelling 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.

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

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

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 4 agricultural land; this is defined as poor quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

"In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

In light of the lands classification of category 4 it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

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 in so far as the extent of the application site is drawn.
5. Prior to the occupation of the 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.
6. 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.
7. 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.
8. Prior to from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.
9. 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.

10. The width of the access carriageway constructed shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

12. 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.

13. Upon formation of the visibility splays, the centreline of any new or relocated hedge/fence/wall 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. Prior to the first installation of any external lighting a a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

Reasons

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

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

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

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

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

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

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

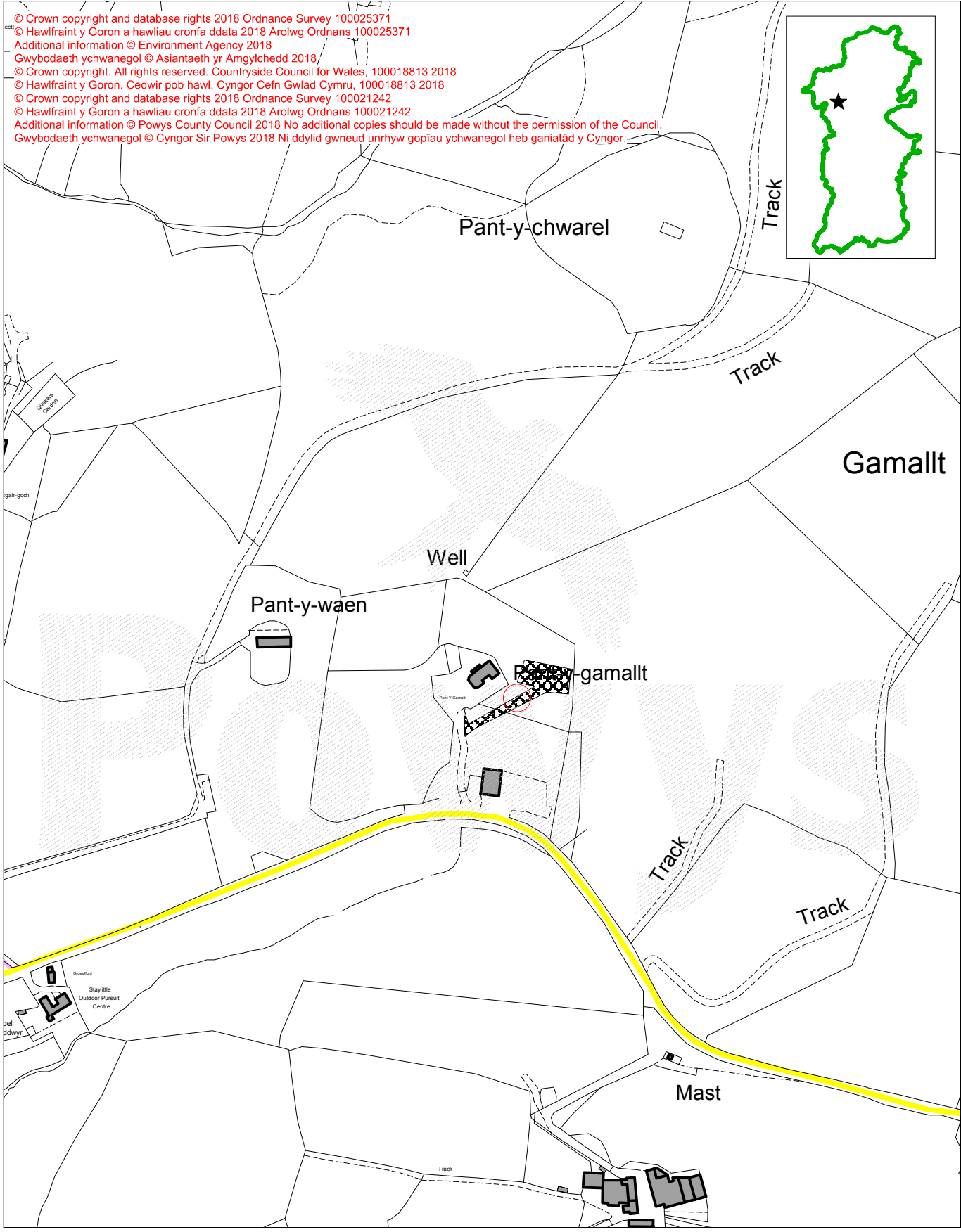
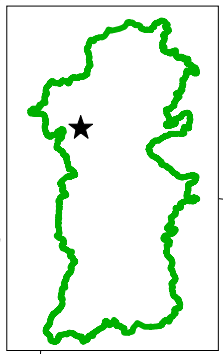
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9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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12. 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 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.

Case Officer: Luke Jones- Planning Officer
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

4.10

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0770	Grid Ref:	317583.43 302357.63
Community Council:	Berriew	Valid Date:	Officer: 27/07/2017 Rachel Mulholland
Applicant:	Ms Helen Thomas, Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX.		
Location:	Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX.		
Proposal:	Full: Demolition of existing stable building and erection of new dwelling, installation of septic tank and creation of new access and all associated works.		
Application Type:	Application for Full Planning Permission.		

The reason for Committee determination

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

Site Location and Description

The application site lies within the rural settlement of Cil (Berriew) approximately 1.2 miles northwest of Berriew. The site is to be accessed by a new vehicular access point from the county highway (B4385) to the northeast. The nearest neighbouring residential properties are located approximately 29 metres to the north of the proposed dwelling. The site has neighbouring dwellings to the north, the county highway to the northeast and agricultural buildings to the east, northwest and southwest with agricultural fields surrounding.

This application represents a departure from the current Unitary Development Plan and seeks full consent for the demolition of an existing stable building and the erection of one dwelling, installation of a septic tank, creation of a new access and all associated works. The dwelling is proposed to be single storey in construction finished with rendered external walls and concrete tiled roof. The dwelling is located in the centre of the site with the access and driveway to the northeast.

The dwelling measures, at its widest points, 12.3 metres by 8.7 metres with a height of approximately 4.5 metres. The existing stable to be demolished measures 11.2 metres by 3.2 metres with a height of 5.1 metres and is of timber boarded construction.

Consultee Response

Berriew Community Council

No comments have been received at the time of writing this report.

PCC Highways

Correspondence received 17 October 2017

Thank you for the attached, however there are still some issues with the revised plan. Please could you request for the agent to amend the plan to include the following:

Visibility: The visibility splay to the right of the access encroaches slightly onto third party land, we need clarification as to whether notice has been served on the landowner, if so please could this area be included in the red line. If not, please could the splay be redrawn so as not to include third party land. The visibility splay to the left is drawn incorrectly, please could you request this to be redrawn.

Entrance gates: Please could the distance for the entrance gates from the edge of the carriageway be shown on the plan.

The material composition for the entrance needs to be included within the plan.

Gradient: The gradient of the entrance needs to be clearly marked along with the distance this gradient will continue from the edge of the carriageway.

Width: Please ask the agent to include the width of the entrance on the plan.

Drainage: The proposal for surface water drainage at the entrance is required to be included on the plan.

Correspondence received 17 November 2017

The County Council as Highway Authority for the County Class II Highway, B4385

Wish the following recommendations/Observations be applied

Recommendations/Observations

- HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 11 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 11 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.
- 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 11 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 development, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom 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 4.8 metres for a minimum distance of 11 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC21 Prior to the occupation of the 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 11 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.

In the interests of highway safety.

PCC Building Control

Correspondence received 7 August 2017

Building Regulations application required.

Wales and West Utilities

Correspondence received 8 August 2017

Wales & West Utilities acknowledge receipt of your notice received on 07.08.2017, advising us of the proposals for:

Cil Common, Berriew, Welshpool, Powys, SY21 8AX

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

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

Severn Trent Water

Correspondence received 16 August 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 8 August 2017

Foul Drainage

Can the agent/applicant submit the details of the septic tank/treatment plant along with percolation test results to demonstrate the suitability of the ground conditions and to determine the area of land required for the drainage field please?

On the proposed block plan there is mention of designing the drainage field in accordance with BRE 365 – this is an inappropriate method as it is only suitable for rainwater soakaways, not foul effluent. The approved methodology can be found in document H2 of the Building Regulations.

Correspondence received 12 October 2017

Thanks for forwarding these amended plans.

I am satisfied with the proposal to connect the foul effluent to the existing septic tank system. Therefore, I have no objection to this application.

PCC Ecologist

Correspondence received 29 August 2017

Thank you for consulting me with regards to planning application P/2017/0770 which concerns the full planning application demolition of existing stable building and erection of new dwelling, installation of septic tank and creation of new access and all associated works at Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 15 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are is one statutory designated site present within 500m of the developments:

- Caeau Glyn (Glyn Fields) – SSSI

Having considered the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated sites or their associated features.

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

Given the proposed developments involve demolition of an existing barn structures, consideration has been given to the potential for the existing structure to support roosting bats – bats being a European protected species.

Reviewing on site photographs the existing barn that is proposed to be demolished is considered to have potential to support roosting bats and the surrounding habitat appears favourable to bats for commuting and foraging. Given the proximity of trees, hedgerows and watercourse surrounding the property and that the existing barn is of traditional construction it is considered a reasonable level of likelihood that bats would be using the site - It is then considered that the proposed development may result in the loss of features or habitat suitable for bats.

Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.

In order to assess the potential impacts to roosting bats, as a minimum a preliminary assessment of the existing buildings that are proposed be demolished 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 accesses 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 current standard survey methodology published by Bat Conservation Trust.

Bat activity surveys will need to be undertaken in accordance with the Bat Conservation Trust's Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition (2016) and Powys County Council's planning application guidance note (Powys Bat Survey Guidance 2009). Therefore, the survey should be undertaken by suitably licensed and qualified ecologists and comprise a thorough internal and external inspection and three activity surveys during the recognised activity season May – September, the surveys should be spread throughout the activity season (as far as reasonably possible to do so) to allow a broad picture of any bat roost use of the site to be developed. Where deviations from the standard guidelines are considered to be necessary, full justifications for the methods used will be required.

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

If bats are found to be using the building for roosting purposes and there is potential for the roost to be destroyed or disturbed i.e. an offence is likely to be committed a European protected species licence would be required to allow the works to proceed, as part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2010 (as amended) have been met prior to determining the application. If the Wildlife Licensing Unit at Natural Resources Wales (NRW) is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

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

In order to address the 3rd test appropriate mitigation would need to be identified. The proposed mitigation will need to be located in a suitable location and appropriate to the species identified. Mitigation details need to be clearly illustrated on the architectural plans and must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council

approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Reviewing the proposed plan a new access has been proposed. It is unclear if tree or hedgerows will need to be removed to accommodate the new access. However, 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 principle should:

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

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to trees and hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

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

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. A landscaping plan could be secured through a planning condition, however the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

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. A wildlife sensitive lighting plan could be secured through a planning condition, however the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Correspondence received 9 November 2017

Thank you for consulting me with additional information submitted regarding planning application P/2017/0770.

The additional information submitted has been provided in response to a request for a preliminary bat assessment to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to bat species.

A bat assessment survey has been undertaken to assess the potential of the development to impact bats – bats being a European Protected Species.

I have reviewed the two ecological reports submitted;

Bat Assessment Report produced by Teme Ecology dated February 2016

Update Building Inspection for Bats report produced by Acer Ecology dated September 2017

I consider that the survey effort employed in both report was in accordance with National Guidelines.

Bat Assessment Report produced by Teme Ecology dated February 2016

The surveys undertaken included internal and external inspections of the existing barn to identify any potential features to support roosting bats– -three activity surveys were undertaken in August and September 2015.

The preliminary survey was carried out on 17th August 2015. The existing barn where works are proposed has a corrugated single pitch, metal clad roof. The walls comprises of wooden cladding except for the south western elevation which is corrugated metal. The south eastern elevation contains three wooden stable doors for access, an unglazed window frame and a hayloft door to the first floor. On the north eastern elevation a small 'lean to' extension is present. A section of ivy growth is present over the rear of the building from the adjacent hedgerow. Gaps were noted around the door, at corners of the building between the timber cladding, metal sheets and the wooden frame. Along with open space provided by the unglazed window it is considered that the building provide access for both bats and bird species for roosting and nesting purposes/features. Internally the timber frame was noted to have a small number of suitable gaps which could offer roosting opportunities for bats. No bats dropping were found during the inspection and no further evidence of bats were found.

Three activity surveys were undertaken on the 7th August 2015 (dusk emergence), 15th August 2015 (dawn re-entry) and 9th September 2015 (dawn re-entry). During the surveys a high proportion of bat foraging and commuting activity was recorded in and around the site. During surveys undertaken on the 7th August and 15th August no bats were observed emerging or entering the barn. During the survey undertaken on the 9th September a brown long-eared bat was seen entering that barn through a gap on the southern corner of the barn, a common pipistrelle was observed entering the barn through a gap between the wooden cladding close to the roofline on the southern western elevation and a soprano pipistrelle was observed entering the barn through the open stable door at the southern end of the barn. It was noted that birds were utilising the barn for nesting purposes.

Therefore mitigation measures regarding bats and compensatory measures regarding nesting birds were recommended within the bat assessment report.

Update Building Inspection for Bats report produced by Acer Ecology dated September 2017

An updated building inspection for bats report has been undertaken to assess the potential new/amended planning application to impact bat.

The updated survey report was undertaken as a previous bat survey report was undertaken in 2015.

The stable building was found to be largely in the same condition as that recorded during the initial bat survey. However, a section of the external timber-cladded wall has fallen at the northern elevation. A large gap has also appeared on the first floor of the of the northern elevation.

Six bat droppings were recorded on the timber cladding on the inside of the north-western gable end wall on the first floor of the barn. No dropping were recorded within the barn building where previously 3 bat species were recorded roosting during the dawn re-entry survey on the 9th September 2015.

It was also noted that three old swallow nest, one old thrush nest and an active swallow nest were recorded within the barn.

The ecology report submitted by Acer ecology concludes that the finding of dropping and the previous finding of the ecology survey carried out by Teme ecology considered that the barn is likely to be utilised by low number of bats during the active season as a temporary roost. No further surveys were considered necessary.

As the proposed works requires the demolition of the barn - the proposed works will therefore result in the damage/destruction of a bat roost, as such a European Protected Species Development Licence will be required.

Mitigation measures were identified in section 6 of the bat survey report carried out by Teme ecology. Mitigation measures include bat boxes to be erected on site prior to works commencing, timing of works to be carried out in the winter months, retention of the timber frame removing metal sheeting and recovering roof with roof slates, breathable roofing membranes not be used, wall clad in timber repaired/replaced and suitable gaps incorporated for bats to gain access into the new roof.

At the time of the Teme ecology report was undertaken the proposed works to be carried out on the barn was to modify the existing barn. However the submitted plans for the current application propose demolition of the existing barn.

Therefore it is considered that the recommended mitigation measures in Teme Ecology report is not all appropriate for the current application proposals. No further mitigation measure have been put forward by the revised report produced by Acer Ecology.

A relevant mitigation strategy for bats and nesting birds appropriate to the current application proposals is required to be submitted. Mitigation Measure details such as type of features, number and location of the features (i.e gap in cladding, bat access slates, bat boxes) must be CLEARLY illustrated on architectural drawings/plans.

This information is required to demonstrate that appropriate mitigation can be provided to ensure no negative impact to the favourable conservation status of bat species identified as roosting in the barn in accordance with the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

Once this additional information has been provided it will ensure that the mitigation measures are appropriate and implementation of the mitigation measures are secured through an appropriately worded condition.

Tree and Hedgerow Protection

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

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 principle 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 submitted in detail, where it is necessary to remove any trees or hedgerow this plan will need to identify appropriate compensation planting for the any loss– 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 trees and hedgerows present in the local area.

This information could be secured through a planning condition, however the submission of a Tree and Hedgerow Replacement and Protection Plan would avoid the need for a pre-commencement condition requiring this information.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. This information could be secured through a planning condition, however the submission of a

Wildlife Sensitive Lighting Plan would avoid the need for a pre-commencement condition requiring this information.

Landscaping Plan

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. This information could be secured through a planning condition, however the submission of a Landscaping Planting Scheme would avoid the need for a pre-commencement condition requiring this information.

Correspondence received 3 January 2018

Thank you for consulting me with additional information submitted regarding planning application P/2017/0770.

The additional information submitted has been provided in response to a request for appropriate mitigation to be recommended regarding bats and nest birds to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to bat species.

I have reviewed the Ecological Report produced by Acer Ecology dated December 2017.

As it is stated that a EPS Development Licence will be required for the proposed development – the ecological assessments undertaken identify that there is a likelihood for the proposed development resulting in a negative impact to bats. Therefore appropriate mitigation strategy recommended in the ecological report has demonstrated that there would be no negative impact to the favourable conservation status of the species.

Given the identified mitigation measures in section 4 of the ecological survey report by Acer Ecology dated December and illustrated on Plan 3a and Plan 3b produced by Acer Ecology dated December 2017 - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

Therefore further to my previous responses on the 29th August and 9th November should you be minded to approve the application I recommend inclusion of the following conditions:

The mitigation measures regarding bats and nesting birds identified in section 4 of the Update Building Inspection Report by Acer Ecology dated December 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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

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

In addition I recommend inclusion of the following informative:

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

Representations

Following display of a site notice on 09/08/2017 and publicity in the local press on 06/10/2017 one letter of objection and one letter of support has been received on the application.

The letter of objection can be summarised as follows:

- Concerns over the proposed access and highway safety
- Concerns over drainage proposal

The letter of support can be summarised as follows:

- Dwelling is well designed and integrated into the site
- It is a small single storey property
- The application is by a local family not a property developer

Planning History

DIS/2017/0137 – Discharge of condition no. 14 & 15 of P/2016/0160 (Refused 25/08/2017)

P/2016/0160 – Conversion of farm building into residential dwelling including alterations to access and other auxiliary works (Conditional Consent 06/07/2016)

P/2015/0245 – Full: Siting of a temporary mobile home in connection with existing equestrian business (Application withdrawn 08/07/2015)

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)

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

SP3- Natural, Historic and Built Heritage

SP5 – Housing Developments
SP6 – Development and Transport
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
DC3 – External Lighting
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage

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

Officer Appraisal

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

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

Planning History

Planning permission was granted in full for the conversion of a farm building into a residential dwelling including alterations to access and other auxiliary works under planning reference P/2016/0160. The current application now seeks to demolish the former agricultural building and provide a new dwelling house on the original footprint, albeit a slightly larger building.

Principle of Development

The application site lies outside of the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

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

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

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

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services. In rural areas, Planning Policy Wales indicates that new development should be located in settlements which have relatively good accessibility to services by non-car modes when compared to the rural area as a whole.

Cil is a rural settlement approximately 1.2 miles northwest of Berriew which is identified in the UDP as a key settlement. Berriew is served by a range of community services and facilities including a primary school, shops, public houses, church hall, football club and children's play area. It is also easily accessible by public transport with regular bus services to Newtown and Welshpool. The application site is located approximately 6 miles from Welshpool and 10 miles from Newtown.

In light of the range of services located within a short travelling distance of the development site that permission has been granted previously for the provision of a single dwelling on the application site, officers consider that there is an argument to support the principle of residential development at this location given its siting within an existing rural settlement.

Therefore, the proposed site is considered to be a sustainable location for residential development of 1 dwelling.

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.

The proposed dwelling is to be a 3 bedroom open market bungalow to be finished with rendered external walls and a concrete tiled roof. The dwelling measures, at its widest points, 12.3 metres by 8.7 metres with a height of approximately 4.5 metres. The total floorspace measures approximately 89 square metres.

Officers consider that the proposed dwelling is of an appropriate design, materials and scale to complement the character and appearance of the neighbouring dwellings and of the surrounding area. It is considered that the proposed dwelling fundamentally complies with policies GP1 and GP3 of the Powys Unitary Development Plan 2010

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. In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has also been given to the Powys Residential Design Guide (October 2004).

The proposed dwelling is considered not to offer any additional impact upon loss of daylight or privacy to neighbouring dwellings due to the nature of the development, being single storey in construction, the distance between and the provision of boundary screening. The dwelling is located approximately 29 metres from the nearest neighbouring dwellings to the north. Due to the distances and positioning of the dwellings it is considered that the proposed development will not affect the amenities of the neighbouring properties.

The development is, therefore, considered to be appropriate and complies with policies 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.

This proposed site is considered to be well connected to the settlement of Cil being adjacent to existing dwellings. It is considered that the proposed site is well integrated with the existing settlement and would not have an unacceptable significant adverse visual impact upon the character or appearance of the surrounding area.

In terms of landscaping the submission proposes the relocation of an existing hedgerow and the retention of existing planting at the plot boundary and within the site. 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 building, taking into account the location in close proximity to existing dwellings and structures within the area, that landscaping measures would reduce the visual impact and that the proposed scale of one single storey dwelling, it is considered that the design reflects 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 B4386 via an existing access with a newly created entrance, parking and turning area within the site.

Concerns have been raised by local objectors regarding highway safety. The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested condition listed above regarding parking provision and access construction methods and materials.

In light of the Highway Officer's comments, and subject to the suggested conditions, it is considered that the proposed dwelling fundamentally complies with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

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

With respect to biodiversity, specific reference is made to UDP policies ENV3, ENV4 and ENV5 which seek to maintain biodiversity and safeguard protected important sites; given the location of the site less than 500 metres from the Caeau Glyn (Glyn Fields) SSSI, the Powys Ecologist has been consulted with regard to this application.

The Ecologist reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. From the data search they identified 15 records of protected and priority species within 500m of the proposed development, although no records were for the site itself.

It is noted that the proposed development is within 500m of the Caeau Glyn (Glyn Fields) SSSI. After consideration of the proposals the Ecologist deemed it unlikely that the proposed development would have any negative impact on the above sites or their associated features.

On the request of the Powys Ecologist an Ecological Report has been submitted for the development site. This Report has identified mitigation measures to be undertaken regarding bats and nesting birds. No objections have been raised to the development by the Ecologist subject to the inclusion of conditions securing the suggested mitigations measures as well as the submission of a Tree and Hedgerow Protection Plan and a Lighting Design Scheme.

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).

Environmental Health

With regard to foul drainage it is proposed for the development site to connect to the existing septic tank 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. Severn Trent Water has also been consulted and has confirmed that they have no objections to the application.

Concerns have been raised by a local objector regarding the proposed drainage for the site and the suitability of the existing drainage provision; however, the Environmental Health Officer has assessed the existing septic tank and has raised no concerns or objections to the proposal.

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

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 Berriew 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 Berriew Ward reported that 10.4% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 13.7% of the population of Berriew spoke Welsh. Whilst there are limited facilities in the area the development of one dwelling in this location is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those

functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

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. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no's: SA26972/03, SA26972/02 Rev C, Front Elevation Rev 1.1, Rear Elevation Rev 1.1, Side Elevation)

3. Prior to the first beneficial use of the development any entrance gates shall be set back at least 11 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 11 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 11 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
6. Prior to the occupation of the development, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom 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.
7. 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.
8. The width of the access carriageway, constructed as Condition 5 above, shall be not less than 4.8 metres for a minimum distance of 11 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.
9. Prior to the occupation 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 11 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.
10. 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.
11. Upon formation of the visibility splays 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.
12. No storm water drainage from the site shall be allowed to discharge onto the county highway.

13. The mitigation measures regarding bats and nesting birds identified in Section 4 of the Update Building Inspection Report by Acer Ecology dated December 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
14. Prior to the 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.
15. No external lighting shall be installed until a detailed external lighting design scheme identifying measures to avoid impacts on nocturnal wildlife has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be implemented in accordance with the lighting design scheme as approved.

Reasons

1. Required to be imposed by section 91 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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. 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. 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.
14. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
15. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy

Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

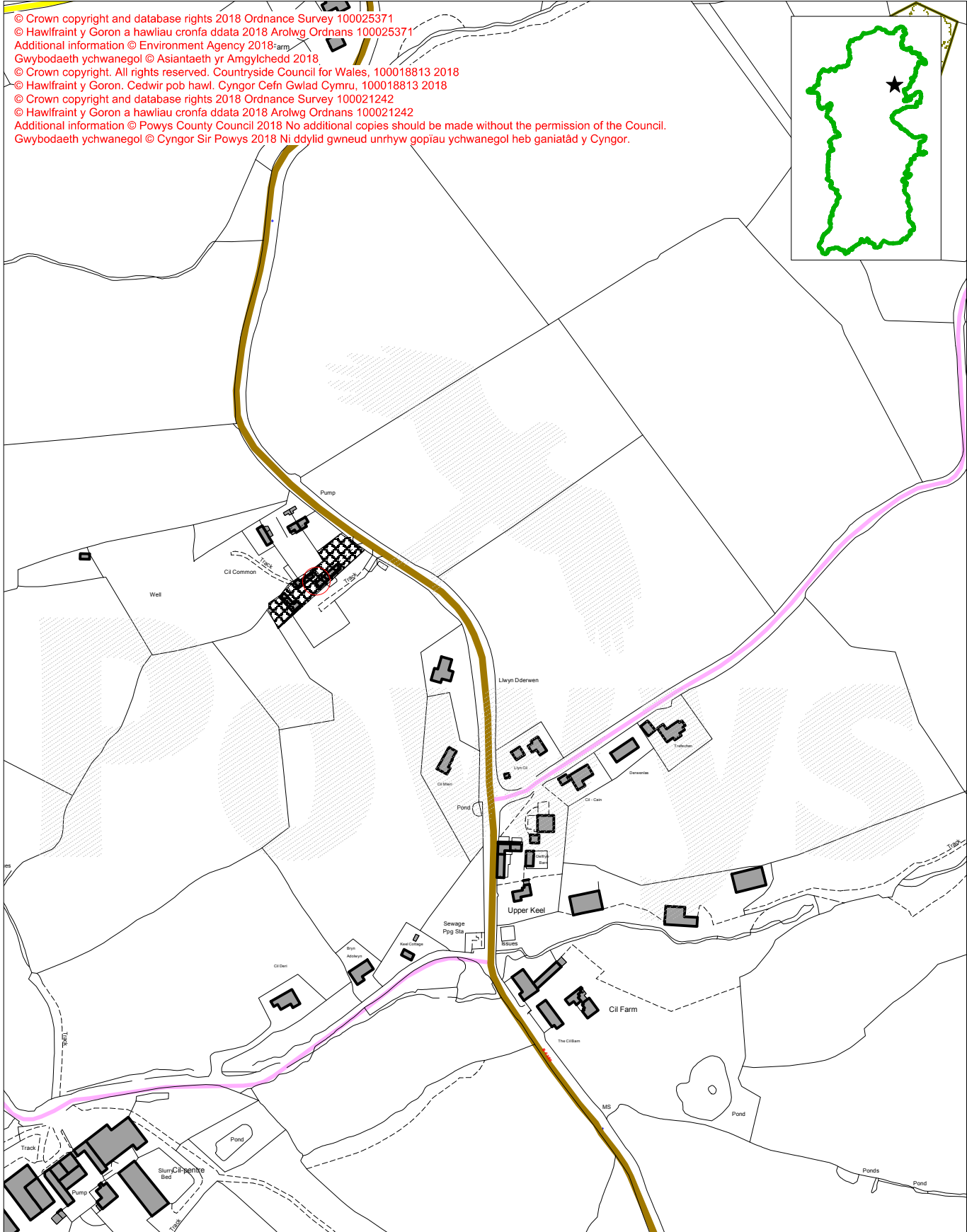
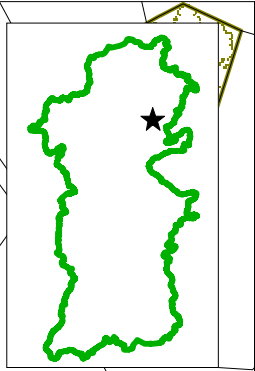
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk.

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.

Case Officer: Rachel Mulholland- Planning Officer
Tel: 01597 827517 E-mail:rachel.mulholland@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

4.11

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	AGRI/2018/0004	Grid Ref:	296594.28 249181.27
Community Council:	Llangamarch	Valid Date:	Officer: 11/01/2018 Rhys Evans
Applicant:	Mr A.J. Davies, Dolmenyn Farm, Garth, Llangammarch Wells, Powys, LD4 4BL		
Location:	Dolmenyn, Garth, Llangammarch Wells, Powys, LD4 4BL		
Proposal:	AGRI: Erection of an agricultural storage building		
Application Type:	Application for prior Notification of Agricultural or Forestry development		

The reason for Committee determination

The applicant is related to an Officer of the Council and in line with the Planning Protocol needs to be determined by Committee.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010). The application site is surrounded by agricultural buildings and also agricultural land to the south. The residential property known as Dolmenyn is located to the north west.

Under class A (2) of part 6 of the Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether the prior approval will be required for the siting, design and external appearance of the building. In addition, the planning authority is required to determine whether the proposal is not permitted development and as such would require full planning permission.

This prior notification is sought for the erection of an extension to an agricultural building to store agricultural machinery for the farming business at Dolmenyn that will measure approximately 9.14 metres in length by 6.09 metres in width, 3 metres to the eaves and 4 metres to the ridge. This will provide approximately 56.12 square metres of additional floor space. The building will use concrete walls and a zinc roof coloured blue in keeping with the neighbouring agricultural buildings.

Planning History

AG/07/0216: Agricultural Notification for erection of general agricultural purpose building – Permitted development.

Principal Planning Constraints

Open countryside

Principal Planning Policies

National Policies

The Town and Country Planning (General Permitted Development) Order 1995 – Schedule 2, Part 6 Agricultural Buildings and Operations.
Planning Policy Wales (Edition 9, November 2016)

Local Policies

Unitary Development Plan (March 2010)

GP 1 – Development Control
GP 3 – Design and Energy Conservation
ENV 2 – Safeguarding the Landscape
EC 9 – Agricultural Development

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

Schedule 2 Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 allows works for the erection of an agricultural building for when that proposed building is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more. This proposal falls under the permitted development rights of the agricultural holding and this prior notification notice informs the Local Planning Authority of the applicant's intentions.

The principle of development of an extension to an agricultural building for agricultural purposes at Dolmenyn is supported by UDP Policy EC9 – Agricultural development. The proposal is not deemed to have an unacceptable impact upon the landscape as it will be finished in materials that are closely matched to the host agricultural building and the agricultural industry in general with concrete walls and a zinc roof coloured blue.

The design of the proposal is suitable for the purpose it is to be used for and the scale and height of the building is not overbearing on the nearest neighbouring dwellings. Materials to be used in the construction of the building are typical and practical for farming operations and complement existing agricultural buildings in the near vicinity.

With regards to the Town and Country Planning (General Permitted Development) Order 1995 the proposed agricultural shed covers a total floor space area less than 465 square metres and is not within close distance of an aerodrome and it is not within 25 metres of the metalled part of a trunk road or classified road. The extension will also be used for farm machinery and storage and will not be used to house livestock.

For the above reasons it is considered that the proposed development will not have an adverse impact on the character and appearance of the area by reason of its siting or appearance.

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

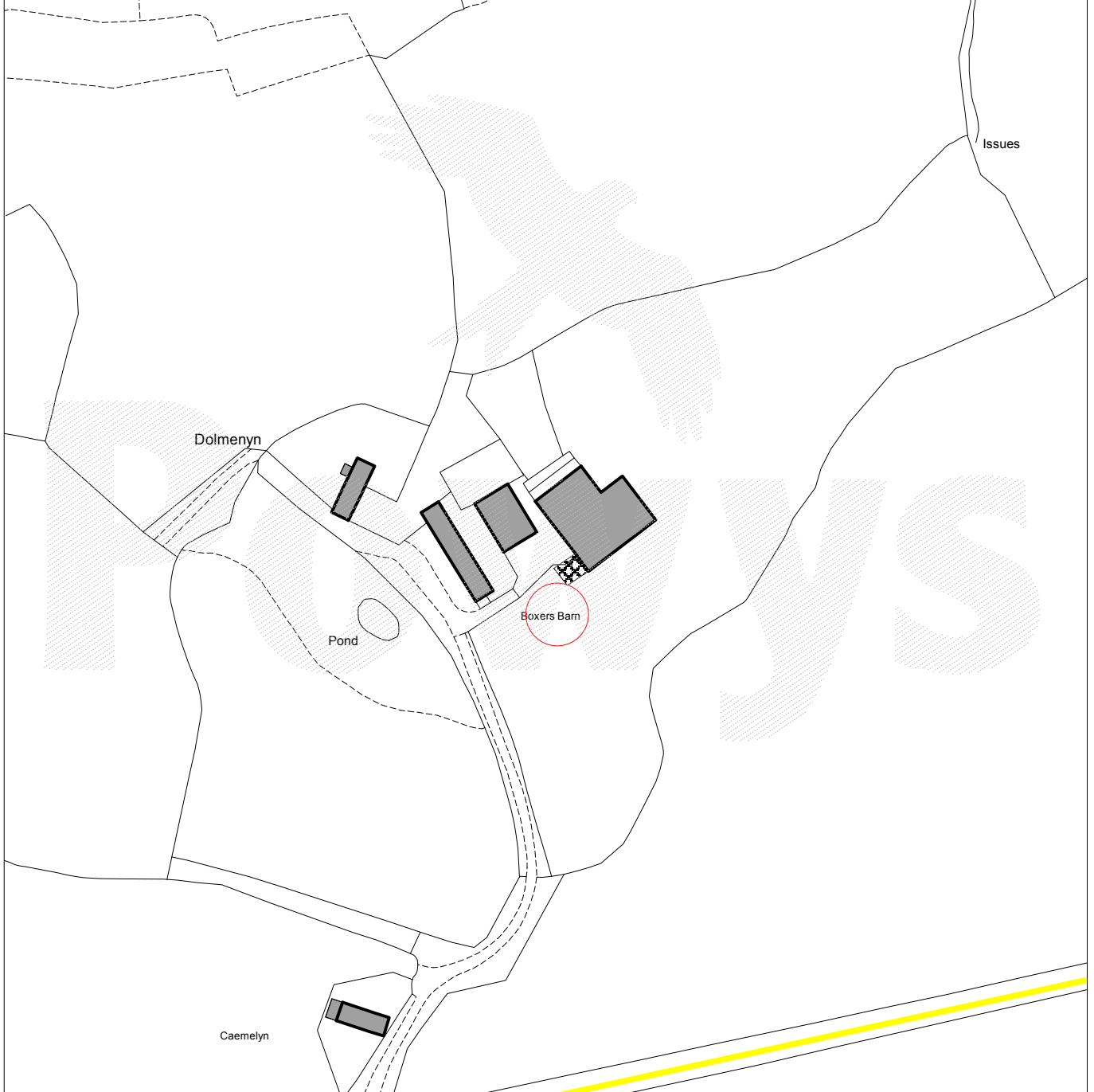
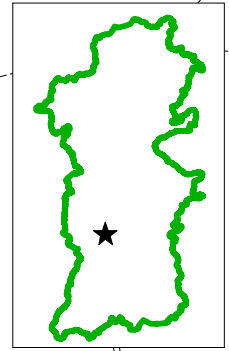
The proposed extension falls under permitted development rights as defined in the Town and Country Planning (General Permitted Development) Order 1995 – Schedule 2, Part 6 Agricultural Buildings and Operations. The extension will adjoin an existing agricultural building located in a farm yard and will use materials similar to the host building. As such it is considered that prior approval is not required.

Condition

1. The extension to the building must be carried out in accordance with the notification submitted to Powys County Council within five years of XX/XX/XXXX.

Case Officer: Rhys Evans Planning Officer
Tel: 01597 82 7235 E-mail:rhys.evans@powys.gov.uk

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



Delegated List

11/01/2018

24/01/2018

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/2017/0851 FULL	20/07/2017	CONSENT	12/01/2018	Full: Erection of an agricultural workers dwelling and garage, installation of septic tank and all associated works	Pant Farm Sarn Wern Lane SY16 4EN
P/2017/1202 HOUS	27/10/2017	CONSENT	12/01/2018	Householder: Erection of a single storey extension to the front elevation of the dwelling	Eryl Ithon Llanbister Llandrindod Wells LD1 6TN

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1275 OUT	31/10/2017	REFUSE	12/01/2018	Outline - Residential development of up to 9 dwellings, formation of vehicular access and associated works (some matters reserved)	Land adjoining Golfa Close Middletown Welshpool SY21 8EZ
P/2017/1338 REM	16/11/2017	CONSENT	15/01/2018	Section 73 application to vary condition 2 of planning approval P/2011/0760 in relation to changing the design	Plot 2 Adjacent Maes Awel Llanbrynmair Bont Dolgadfan Machynlleth SY19 7AT
P/2017/1070 REM	20/09/2017	CONSENT	16/01/2018	Section 73 application to remove condition 3 attached to planning approval R5185/00 (Local needs restriction)	Bryn Y Geifr Llandilo Graban Builth Wells LD2 3SJ
P/2017/1324 FULL	21/11/2017	REFUSE	16/01/2018	Full: Constuction of 2 holiday log cabins and access track; to include change of use and associated works	Field Number AW029 Llanbadarn Ffynydd North of Village Store Llandrindod Wells LD1 6YA
P/2017/1328 HOUS	21/11/2017	CONSENT	16/01/2018	Householder: Demolition of existing conservatory, to be replaced with a new solid-roofed sun room	Osbern House Kinnerton Presteigne LD8 2PE

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1364 HOUS	21/11/2017	CONSENT	16/01/2018	Householder: Removal of existing velux type roof lights and replacing with dormer windows	Ty Canol Llandyssil Montgomery SY15 6LQ
P/2017/0776 HOUS	24/07/2017	CONSENT	17/01/2018	Householder: Erection of an extension to the existing single storey extension.	Fagal Llanrhaeadr-ym-Moc Dafydd Coch Oswestry SY10 0BQ
P/2017/1080 REM	27/09/2017	CONSENT	17/01/2018	Section 73 application for variation of condition 1 to extend the time limit for commencement of works and removal of condition 4 of planning approval P/2013/0630	Plot adj Woodlands Pontrobert Meifod SY22 6HY
P/2017/1227 HOUS	23/10/2017	CONSENT	17/01/2018	Householder: Erection of an extension over the existing garage & utility room	Bryn Teg Llanfechain SY10 9LL
P/2017/1320 HOUS	13/11/2017	CONSENT	17/01/2018	Householder: Erection of an extension to the side of the dwelling	Cefnmaes Penygarnedd Oswestry SY10 0AS

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
TEL/2017/0013 TELE	21/11/2017	PP NOTNEEDED	17/01/2018	Tel: Prior approval notification under Part 24 of schedule 2 of GPDO for removal of 15m monopole and antennas and installation of new root foundation, 15m open headframe monopole, 3 antennas and replacement of existing	Welshpool Automated Telephone Exchange Severn Street Welshpool SY21 7AD
P/2017/1112 OUT	04/10/2017	CONSENT	18/01/2018	Outline: Erection of an eco-friendly dwelling (all matters reserved)	Site Next to Manteg Stepaside Newtown SY16 4JJ
P/2017/1187 RES	12/10/2017	CONSENT	18/01/2018	Reserved matters in respect of outline planning consent P/2014/0067 (and supplementary condition on NMA/2017/0033) - Phase 1 - erection of 8 dwellings (4 affordable)	Land at Jacks View & Orchards Er Norton Presteigne LD8 2EQ
P/2017/1215 HOUS	19/10/2017	CONSENT	18/01/2018	Householder: Erection of a two storey extension and all associated works	2 Tynybryn Cottages Tregynon Newtown SY16 3PJ
P/2017/1373 FULL	23/11/2017	CONSENT	18/01/2018	Full: Proposed open fronted storage building	Seconds & Co Unit 5 The Morgan Building Presteigne LD8 2UF

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0385 OUT	07/04/2017	REFUSE	19/01/2018	Outline: Erection of 4 no. dwellings and access road (all matters reserved)	Land adj Poplar Drive Leighton Welshpool
P/2017/1252 OUT	26/10/2017	CONSENT	19/01/2018	Outline: Erection of two detached dwellings	Land adjoining Gardeners Barn Llanigon Llanthomas Lane Hereford HR3 5PU
P/2017/0887 FULL	02/08/2017	CONSENT	22/01/2018	Full: Construction of new car parking area at rear to form 10 no. spaces and reconfiguration of parking to front to form 5 no. disabled spaces	Arwystli Group Medical Practice Mount Lane Llanidloes SY18 6EZ
P/2017/1379 REM	23/11/2017	CONSENT	22/01/2018	Section 73 application for variation of condition 2 of planning permission P/2016/0637 for changes to approved plans	Plot C2 Buttington Cross Enterprise Park Welshpool SY21 8SL
P/2017/1385 FULL	27/11/2017	CONSENT	22/01/2018	Full: Construction of an agricultural livestock building	Lynwood Churchstoke Montgomery SY15 6TD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0581 FULL	24/05/2017	CONSENT	23/01/2018	FULL: Proposed detached dwelling and associated works	Plot adjacent to 3 Bank Square Builth Wells LD2 3BB
P/2017/1353 HOUS	16/11/2017	CONSENT	23/01/2018	Householder: Erection of a two storey extension	Dan y Mynydd Ffordd Las Llanigon HR3 5QF
P/2017/1398 OUT	28/11/2017	REFUSE	23/01/2018	Outline application (with all matters reserved), installation of sewage treatment plant, formation of vehicular access and all associated works	Land at Cefnbrith Abermule Llanmerewig Newtown SY15 6NR
P/2017/0979 LBC	25/08/2017	CONSENT	24/01/2018	LBC: Demolition of rear single storey toilet block and erection of rear single storey building. Removal of first floor window and installation of fire escape door and external fire escape.	Kings Head Inn Meifod SY22 6BY
P/2017/0982 FULL	06/09/2017	CONSENT	24/01/2018	Full: Demolition of rear single storey toilet block and erection of rear single storey building. Removal of first floor window and installation of fire escape door and external fire escape staircase	The Kings Head Hotel Meifod SY22 6BY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1169 LBC	18/10/2017	REFCADW	24/01/2018	LBC: Retention of the replacement of three windows	11 Church Street Presteigne LD8 2BU
P/2017/1404 CLA2	30/11/2017	APPROVE	24/01/2018	Section 192 application for a lawful development certificate for a proposed use for the change of use of an existing vehicle showroom to a Class A1 (shops)	Arthurs Centre Pool Road Newtown SY16 1DW

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

**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
COUNCIL CHAMBER - NEUADD MALDWYN, WELSHPOOL, POWYS ON
WEDNESDAY, 22 NOVEMBER 2017**

PRESENT

County Councillor P C Pritchard [Chair]

County Councillors L V Corfield and L George

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following items.

2.	10.00 A.M. - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Application for a licence - TE

Applicant – TE

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To grant TE a joint hackney carriage & private hire driver's licence.	The applicant is a fit and proper person.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

3.	10.45 A.M - REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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3.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

3.2. Review of a licence - DE

Applicant – DE

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That subject to giving the licensee a warning as to his future conduct, to take no action.	DL had not committed any further traffic offence since May 2015 and in the opinion of the sub-committee he remains a fit and proper person to be licensed.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

4.	11.30 A.M. - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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4.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

4.2. Application for a licence - JJ

Applicant – JJ

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The applicant's father accompanied him and answered questions from the panel.

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations. The Chair warned JJ of the possible consequences with regard to his licence should he re-offend.

RESOLVED	Reason for decision
To grant JJ a joint hackney carriage & private hire drivers licence.	The applicant is a fit and proper person.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing.

The Chair thanked all for attending.

5.	12.15 P.M. - REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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5.1. Sub-Committee procedures

See 5.2 below.

5.2. Review of a licence - ARB

The Sub-Committee was advised that ARB had surrendered his licence prior to the meeting and as a result there was nothing for the Sub-Committee to consider.

**County Councillor P C Pritchard
Chair**

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