

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

**Application No:** P/2017/0200

**Grid Ref:** 310686.84 307007.83

**Community Council:** Llanfair Caereinion

**Valid Date:** 23/02/2017  
**Officer:** Tamsin Law

**Applicant:** Mr JPR Andrew, Bronheulog, Manafon, Welshpool, Powys, SY21 8BW

**Location:** Land adj Llys Awel, Pool Road, Llanfair Caereinion, Welshpool, Powys, SY21 0SF

**Proposal:** Outline: Proposed residential development comprising of up to 42 no. dwellings, formation of estate road and all associated works (all matters reserved)

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

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

### Site Location and Description

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

The site is located on an irregular shaped parcel of land bound to the north by agricultural land, to the east by the A458 trunk road, to the south by existing residential dwellings and the development boundary, and to the west by agricultural land. Opposite the site lies the Welshpool and Llanfair Light Railway and associated structures. A residential property outside the applicant's ownership lies within the center of the development site.

Consent is sought in outline for the construction of up to 42 dwellings, including a provision of affordable housing. The indicative block plan submitted with the application details a mix of dwelling types ranging from 2 to 5 bedroom semi-detached, detached and single and two-storey dwellings.

### Consultee Response

#### Llanfair Caereinion Town Council

At the February meeting of Llanfair Town Council the members voted NOT to support the above application for the following reasons:

1. The direct access onto the A458 is of serious concern. This is a fast,narrow road with a history of serious and fatal accidents.
2. There are a number of unsold properties in Llanfair. Many have been on the market for a considerable amount of time. If there was a shortage of houses this would not be the case.
3. There is concern that the current infrastructure such as the sewage/ drainage system will not cope.
4. The primary and secondary school will also experience a large influx of numbers for which they are not prepared.
5. Thanks to the repeated lifting of 106 affordable housing restrictions there are no affordable properties in the town. This development will not address this issue.

### **PCC - Building Control**

Building Regulations application required

### **Wales and West Utilities**

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

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

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

Let me know if you require any further assistance.

### **Severn Trent**

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

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

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

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

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

### PCC - Environmental Health

As the proposed outline application states that foul drainage will be connected to the public sewer system, I have no objection to the application.

I would recommend that STW confirm that the current mains, pumping station and treatment plant is in satisfactory condition and of sufficient capacity to accommodate the additional waste water.

### PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 3.04 hectares and includes up to 42 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	Yes	An Extended Phase 1 Habitat Survey report by Arbor Vitae (dated September 2016) has been submitted with this application and referred to when making these observations. These observations are also based on an interpretation of available aerial and street imagery, the submitted planning design and access statement and historical biodiversity records provided by the Powys Biodiversity Information Service.  The application site appears to be located within two semi-improved/improved agricultural fields and is bounded by native species hedgerows, including mature trees, with one hedgerow dividing the two fields.
Protected Species & Habitats <sup>1</sup>	European Species <input checked="" type="checkbox"/>	There are single historic records (2013) of Common and Soprano Pipistrelle bats from within the site. The Arbor Vitae report states that the western boundary hedgerow is very likely to provide a foraging site and flight route for bats, as well as potential roost sites in the associated mature trees. The report states that no mature trees would be affected by the proposals but concludes that bats may use the edge of the tree canopy to forage, which could therefore be sensitive to any light spill from the new development.  The report therefore recommends that artificial lighting into the surrounding habitats, including the adjacent tree line, is minimised and suggests that three bat roosting boxes are provided to mitigate

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

		<p>for any disturbance to bat foraging routes. Further details about sensitive lighting are contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report.</p> <p>No impacts to otter or great crested newt were identified by the Arbor Vitae report. However, reasonable avoidance mitigation measures to prevent otters becoming trapped or endangered during the construction phase are contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>The Arbor Vitae report states that no badger setts were observed within 50m of the site during the site survey (August 2016), nor signs of use of the site by badgers.</p> <p>Breeding bird species were observed within the site and are likely to use the peripheral hedgerows and mature trees for nesting. Although the hedgerows are to be retained as part of the development, nesting birds could be subject to disturbance during the construction phase. The report recommends that suitable bird nesting boxes are installed on trees surrounding the site in order to improve bird nesting habitat.</p>
	<p>Section 7 Species &amp; Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are listed as priority habitats on Section 7 of the Act. I understand that the boundary hedgerows are to be retained for this proposal and these must be protected during the works. A tree and hedgerow protection plan in accordance with BS5837:2012 will therefore need to be produced for the local authority’s approval in advance of the works.</p> <p>The Arbor Vitae report proposes enhancement measures through fencing of the western boundary hedgerow to protect it from grazing animals, new native hedgerow planting along the access track and planting of additional trees and shrubs within the site; these measures would be welcomed. Locally-occurring, native species will need to be used and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p> <p>There are single historic records (2013) of Polecat and Hedgehog, both Welsh Priority Species, from within the site. The hedgerow boundary habitats favoured by these species would not be affected by the proposals, but I have recommended that they are protected from any damage during the construction phase.</p>
	<p>LBAP Species &amp; Habitat <input checked="" type="checkbox"/></p>	<p>See observations above.</p>

<b>Protect ed Sites</b>	International Sites <sup>2</sup> <input type="checkbox"/>	None within the search area.
	National Sites <sup>3</sup> <input type="checkbox"/>	None within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area.
<b>Invasiv e Non-Native Species</b>	<b>No</b>	
<b>Cumula tive Effect</b>	<b>Unknown / Unconfirmed</b>	
<b>Summary of recommendations / further assessment or work</b>	<p>The Arbor Vitae report (September 2016) recommends that artificial lighting into the surrounding habitats, including the adjacent tree line, is minimised and suggests that three bat roosting boxes are provided to mitigate for any disturbance to bat foraging routes. Further details about sensitive lighting are contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report, and confirmation of how this has been incorporated within a sensitive lighting scheme will be required for local authority approval prior to development of the site.</p> <p>Reasonable avoidance mitigation measures to prevent otters becoming trapped or endangered during the construction phase are also contained within the Construction Ecological Mitigation Plan of the Arbor Vitae report and will need to be adhered to during the construction phase.</p> <p>Although the hedgerows are to be retained as part of the development, nesting birds could be subject to disturbance during the construction phase. The Arbor Vitae report recommends that suitable bird nesting boxes are installed on trees surrounding the site in order to improve bird nesting habitat. Details of these and the bat boxes will be required for local authority approval as part of a biodiversity enhancement plan prior to development of the site. A tree and hedgerow protection plan in accordance with BS5837:2012 will need to be produced for the local authority's approval in advance of the works.</p> <p>The Arbor Vitae report proposes enhancement measures through fencing of the western boundary hedgerow to protect it from grazing animals, new native hedgerow planting along the access track and planting of additional trees and shrubs within the site; these measures would be welcomed. Locally-occurring, native species will need to be used and a Species List will be required for approval by the local planning authority as part of a biodiversity</p>	

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

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

	enhancement plan for the site.
<b>Recommended Conditions</b>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations and mitigation regarding bats, breeding birds and otters in Section 6 and Appendix 2 of the ecological report by Arbor Vitae dated September 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan, to include suitable bat and bird box and landscape enhancement details as recommended in the Arbor Vitae ecological report, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Species List for the</i></p>

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

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

### **Informatives**

#### **Birds - Wildlife and Countryside Act 1981 (as amended)**

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The

	<p>Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email <a href="mailto:enquiries@bats.org.uk">enquiries@bats.org.uk</a></p> <p><b>Otters – Wildlife &amp; Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</b></p> <p>Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).</p> <p>It is therefore an offence to:</p> <ul style="list-style-type: none"> <li>• Deliberately capture, injure or kill an otter;</li> <li>• Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;</li> <li>• Damage or destroy an otter holt;</li> <li>• Intentionally or recklessly disturb any otter whilst it is occupying a holt; or</li> <li>• Intentionally or recklessly obstruct access to a holt.</li> </ul> <p>Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:</p> <ul style="list-style-type: none"> <li>• No night working or lighting of the works area;</li> <li>• Ensuring that no barriers to movement of otters along the river are created;</li> <li>• Keep unnecessary noise to a minimum during the works; and</li> <li>• Do not light any fires close to areas of vegetation.</li> </ul>
<p><b>Relevant UDP Policies</b></p>	<p>SP3 Natural, Historic and Built Heritage                  ENV 2: Safeguard the Landscape                  ENV 3: Safeguard Biodiversity and Natural Habitats                  ENV 6: Sites of Regional and Local Importance                  ENV 7: Protected Species</p>
<p><b>Comments on Additional Information</b></p>	<p>N/A</p>

**NRW**

Thank you for consulting Natural Resources Wales (letter dated 27/02/2017) regarding the above.



Our advice and position on the proposed scheme has not changed since providing comments to the major pre-application consultation in a letter dated 01/02/2017 (attached for your convenience).

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

#### Summary of Conditions

Condition 1 – Protected Species: Submission and implementation of a Construction Ecological Management Plan (CEMP) that will also include suitable Reasonable Avoidance Measures (RAM) for protected species.

#### Protected Species

NRW holds records of bats and otters in close proximity of the proposal, we also have several records of badger road casualties within 300m of the proposal, indicating this species is active in the area.

We note the Extended Phase One Habitat Survey dated September /2016 by Arbor Vitae, submitted in support of the above application has identified appropriate ecological mitigation and RAM (Appendix 2) for the species likely to be affected.

We recommend that RAM and other aspects of the proposal that will affect, enhance the ecology of the site are addressed in a Construction Ecological Management Plan (CEMP) as specified in our letter of 01/02/2017.

Condition 1 – Protected Species: Submission and implementation of a Construction Ecological Management Plan (CEMP) that will also include suitable Reasonable Avoidance Measures (RAM) for protected species.

#### Foul Drainage

We note from the Sustainable Drainage Strategy dated January 2017 by Waterco Consultants, that foul water will be a reserved matter issue and likely to go to mains sewer. Provided this is the case we have no further comment on drainage from the site.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk)

### Surface Water Drainage

The proposed site is in Zone A as defined by the Development Advice Map (DAM) referred to under TAN15: Development and Flood Risk (July 2004). Powys County Council drainage team is the Lead Local Flood Authority responsible for discussing appropriate surface water drainage details with the applicant and your authority.

### Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) for Waste disposal Guidance.

### Scope of NRW Comments

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

### **PCC - Outdoor Leisure and Recreation**

Outdoor Recreation Services would ask for a Section 106 contribution.

Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the local community council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Service's usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.

All private housing up to three bedrooms is £ 1000.00 per property.

All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

If you have any further questions please do not hesitate to contact me.

### **Welsh Government Transport**

#### 1<sup>st</sup> Response

I refer to your consultation of 2 June 2017 regarding the above application and advise that the Welsh Government as highway authority for the A458 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant

and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing incorporating the following aspects:-

a) Full Visibility Splays in both directions from a 4.5m set-back.

The proposed access must comply with Volume 6 Section 2 Part 6 (TD 41/95) of the Design Manual for Roads and Bridges (DMRB), any non compliance will each require a Departure from Standard submission.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK).

## 2<sup>nd</sup> Response

I refer to your consultation on 24 July 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The access shall be laid out and constructed strictly in accordance with the approved drawings number RPP03.1.3.02 Rev A and RPP03.1.3.02
2. The minimum visibility distances available for vehicles emerging from the proposed access shall be 215m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 4.5 metres from the running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
3. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
4. The width of the proposed means of access shall be 6.5metres (minimum) for the first 15m. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway.
5. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
6. During the construction phase the applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site until construction is complete.
7. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.
8. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: [streetwork@nmwtra.org.uk](mailto:streetwork@nmwtra.org.uk) prior to the commencement of works that will affect the through traffic of the A458, and agree a Traffic Management Plan.

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

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

- a) The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Road and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.
- b) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority.
- c) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.
- d) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; [http://www.traffic-wales.com/traffic\\_signs.aspx](http://www.traffic-wales.com/traffic_signs.aspx)

### **Cadw**

Thank you for your email of 14 June 2017 inviting our comments on the additional information submitted for the above planning application.

### **Advice**

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument known as Site 300m SW of Tan-Illan (revealed by aerial photography). Our assessment of the application is given below.

### **Our role**

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### **National Policy**

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

#### Assessment

A historic environment assessment including analysis of the impact of the proposed development on the setting of scheduled monument MG203 prepared by Trysor has been submitted. The report has assessed that the proposed development will have a low to moderate impact on the setting of scheduled monument MG203. This range will depend on the time of year and the screening effect of the existing hedgerows and trees surrounding the development area. We concur with this assessment that the proposed development will cause moderate damage to the setting of scheduled monument, Site 300m SW of Tan-Ilan (revealed by aerial photography) MG203, however, we consider that this will not be significant.

#### Public Response

The application was advertised through the erection of a site notice and press advertisement. Two representations have been received, one objecting to the proposed development and one clarifying the works undertaken at the Welshpool and Llanfair Light Railway Preservation Co. opposite the site.

The Welshpool and Llanfair Light Railway Preservation Co. comments are summarised below;

- The company runs an operational steam heritage railway and maintenance facility from its site opposite the proposed development.
- The railway brings a considerable amount of tourists to the area on its regular services and special events, with related vehicle and foot traffic, particularly on weekends.
- The railway does burn coal which produces permitted environmental emissions in the form of smokes and steam, and associated odours and noise from the locomotives.
- The maintenance facility employs both light and heavy engineering.
- A large programme of improvement works are proposed at the Llanfair station.

- The programme will involve a degree of construction work and traffic as well as an increased level of visitors and activity over the long term.
- It is noted that the development is outside the development boundary of Llanfair Caereinion.

The objection received is summarised below;

- Detrimental impact on the visual amenity of the area.
- The development will change the character of the village and will have an adverse effect on properties within the village and the Welsh Language/Heritage.
- Other developments within Llanfair Caereinion have yet to be completed.
- The primary school is at capacity with no further land for expansion.
- Services within the area are struggling to cope with numbers of residents ie. Doctors Surgery.
- Sewage system is at capacity
- Water problems are experienced, including low water pressure.
- Residents will be inconvenienced/disturbed during the construction.
- Development is ribbon development.
- Land is unsuitable terrain for a development and the proposal is too large in numbers
- Concern over traffic impacts
- No proven need for such a scale of development.

### **Planning History**

No relevant planning history

### **Principal Planning Constraints**

Scheduled Ancient Monument

### **Principal Planning Policies**

#### National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)

TAN 18 - Transport (2007)

TAN 20 - Planning and the Welsh Language (2013)

TAN 23 – Economic Development (2014)

TAN 24 – The Historic Environment (2017)

#### Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy

UDP SP5 - Housing Developments

UDP GP1 - Development Control

UDP GP3 - Design and Energy Conservation

UDP GP4 - Highway and Parking Requirements  
UDP GP5 – Welsh Language and Culture  
UDP HP3 - Housing Land Availability  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP6 - Dwellings in the Open Countryside  
UDP DC10 - Mains Sewage Treatment  
UDP DC11 - Non-mains Sewage Treatment  
UDP DC13 - Surface Water Drainage  
UDP DC8 - Public Water Supply  
UDP DC9 - Protection of Water Resources  
UDP ENV 1 - Agricultural Land  
UDP ENV 2 - Safeguarding the Landscape  
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats  
UDP ENV 7 - Protected Species  
UDP ENV17 – Ancient Monuments and Archaeological Sites  
UDP TR2 – Tourist Attractions

## Powys Residential Design Guide

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

## Officer Appraisal

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

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

### Principle of Development

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

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

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon

current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llanfair Caereinion (defined as an Area Centre within the UDP). Llanfair Caereinion benefits from a number of services such as convenience stores, Doctor's surgery, butchers, public houses, leisure centre and primary and secondary school. Whilst a footpath is not proposed along the road the block plan demonstrates that a footpath will be created within the development site to the edge of the settlement allowing pedestrians to walk to the settlement safely. Llanfair Caereinion also benefits from public transport which provides access to other larger settlements such as Welshpool which is located approximately 8.5 miles to the east.

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

#### Appearance, Layout and Style

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

The site slopes upwards to the west away from the adjacent trunk road. The block plan demonstrated that the majority of the development would be located on the flatter area of the site closest to the road. Part of the development would be on a slope, however Officers consider that through sensitive design and landscaping that the development would not have a detrimental impact on the surrounding landscape.

The indicative site layout details a cul-de-sac formation along with a linear form of development to the north, consistent with the surrounding built form and development within the wider settlement.

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

#### Highway Safety and Movement

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



The site is accessed from the A458 trunk road and as such consultation was undertaken with the Welsh Government Highways Department. Initial consultation raised concerns over the information submitted with the application. Following the submission of additional information Welsh Government Highways Department removed their holding objection provided that conditions are attached to any consent.

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

### Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

Concerns have been expressed by the neighbouring dwelling that would be located within the centre of the site that the development would negatively impact on their property. Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters. The indicative layout demonstrates that this can be achieved through no dwellings being located immediately to the rear of the existing property (with the closest being a minimum of 25 metres from the rear elevation of the existing dwelling) and dwellings maintaining an acceptable distance to the side of the existing dwelling (the block plan demonstrates that a distance of approximately 13 metres from side elevations can be maintained).

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

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

### Heritage

Policy ENV17 of the UDP states that development which would unacceptably affect the site or setting of a scheduled ancient monument will not be permitted.

The application is located within 1km of a scheduled monument, Site 300m SW of Tan-Ilan MG203 and Cadw were consulted for their views on the impact of the development on the scheduled monument. Following the initial consultation Cadw raised concerns over the lack of information in relation to the impact of the proposed development on the scheduled monument. A Historic Environment Assessment was then produced in support of the application.

Following the submission of the Historic Environment Assessment Cadw stated summarised that the development would have a low to moderate impact on the setting of

the scheduled monument. Cadw concluded that whilst the proposed development could cause moderate damage to the setting of the scheduled monument they did not consider it to be significant.

Clwyd Powys Archaeological Trust were also consulted on the application and offered no objections to the proposed development.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy ENV17 of the Powys UDP in respect of residential amenity.

### Biodiversity

The application was accompanied by an Extended Phase 1 Habitat Survey of the site. Following consultation with both Natural Resources Wales (NRW) and Powys Ecology no concerns were raised regarding the impact of the proposed development on protected species, biodiversity or protected sites.

Both Ecology and NRW have requested that a number of conditions be attached to any grant of consent securing the mitigation outlined within the Habitat Survey; landscaping scheme; lighting scheme and the submission of a Construction Ecological Management Plan.

In light of the above observations, Development Management considers the proposed development to be in accordance with the relevant policies of the Powys UDP in respect to biodiversity.

### Sewerage

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

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

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

### Affordable Housing

Whilst UDP policy states that affordable housing provision should be 30-35%, latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in this area would be viable. In support of the application the developer has proposed 20% affordable housing which would be conditioned as part of any consent.

### Welsh Language and Culture

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

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

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

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.

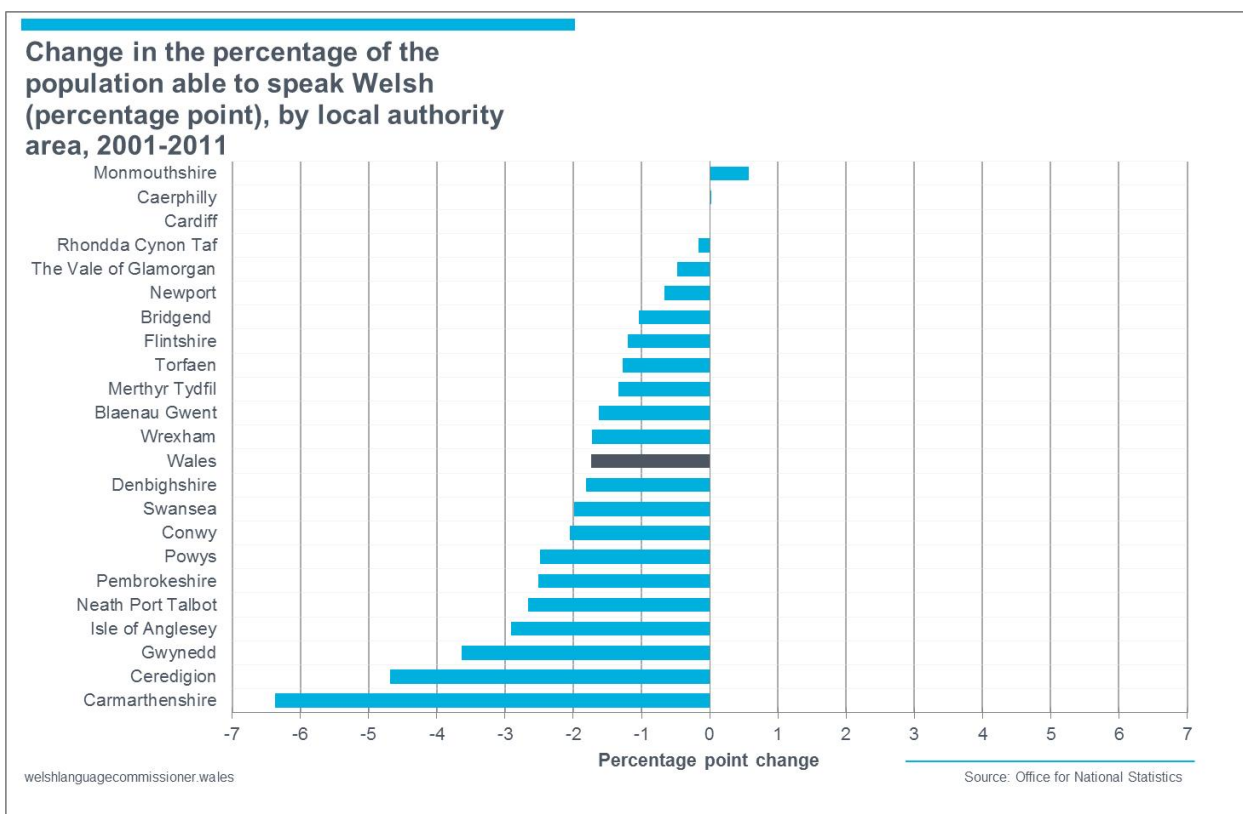
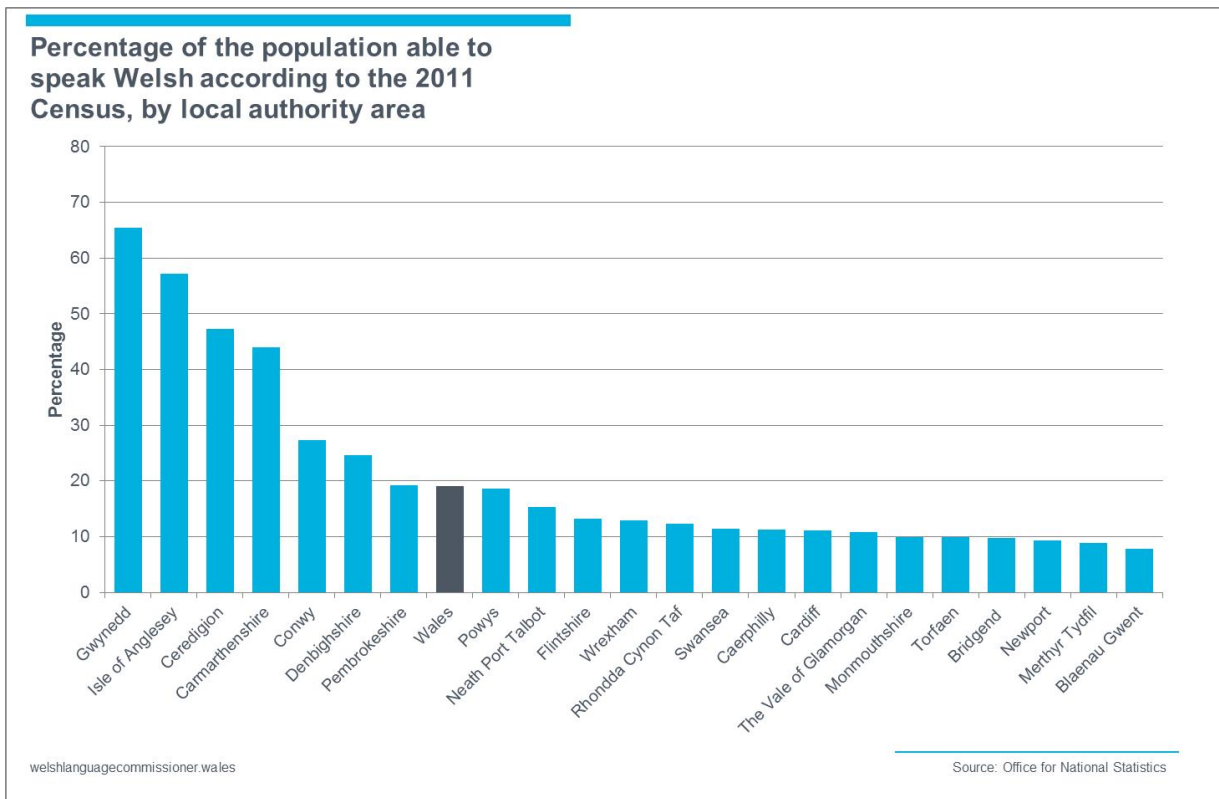
With regards to the Development Management function, TAN 20 states as follows:

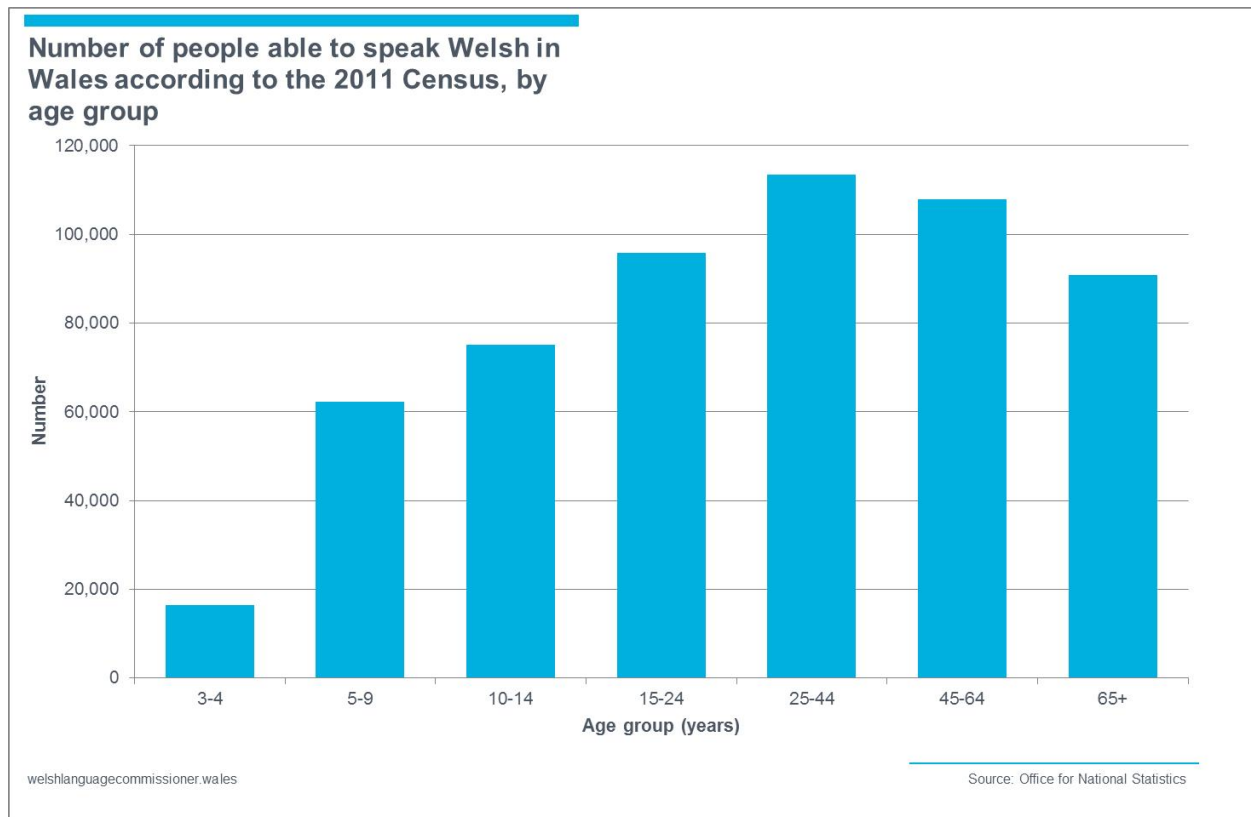
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning 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. Llanfair Caereinion has been identified as one of the settlements under policy GP5.

## Census Information

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





**2001 Census**

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,563	122	79	24	499	55	784

**2011 Census**

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

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

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

65+	32.2	43.8	108	117
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It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64 age category. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

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

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

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

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. The data produced detailed, that proposed development in North rural Powys would need to provide approximately 10% of affordable housing.

It is envisaged that the number of affordable dwellings within the scheme to be approximately 20 % which would be 8 units, starting with a footprint of approximately 60 sqm therefore ensuring affordability. The affordable dwellings will be integrated throughout the site.

Furthermore, 20 of the houses proposed on the development (50%) would be less than 130 square meters.”

It is considered that the introduction of forty-two dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade’s people. It is therefore considered that the construction of this development would

have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanfair Caereinion and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

## **Other Legislative Considerations**

### Crime and Disorder Act 1998

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

### Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

### Planning (Wales) Act 2015 (Welsh language)

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

### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to

ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

### **Recommendation**

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

### **Conditions**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx (drawing no: P-01, P-02, RPP03.1.3.02 Rev A, RPP03.1.3.02, Pre-App Design and Access Statement (december 2016) and Sustainable Drainage Strategy (January 2017)).
5. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. The recommendations and mitigation regarding bats, breeding birds and otters in Section 6 and Appendix 2 of the ecological report by Arbor Vitae dated September 2016 shall be adhered to and implemented in full.
7. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority.
8. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and



hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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

10. Prior to the commencement of development a Construction Ecological Management Plan (CEMP) that will also include suitable Reasonable Avoidance Measures (RAM) for protected species shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

11. The access shall be laid out and constructed strictly in accordance with the approved drawings number RPP03.1.3.02 Rev A and RPP03.1.3.02

12. The minimum visibility distances available for vehicles emerging from the proposed access shall be 215m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 4.5 metres from the running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

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

14. The width of the proposed means of access shall be 6.5metres (minimum) for the first 15m. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway.

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

16. During the construction phase the applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning uthority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site until construction is complete.

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

18. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: [streetwork@nmwtra.org.uk](mailto:streetwork@nmwtra.org.uk) prior to the commencement of works that will affect the through traffic of the A458, and agree a Traffic Management Plan.

19. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been

submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

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

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

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

## Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

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

10. To comply with Powys County Council’s UDP Policies SP3 and ENV3, ENV4 and ENV 5 in relation to The Natural Environment and protected species and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

11. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.

12. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.

13. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.

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16. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.

17. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.

18. In the interest of highway safety and to ensure the free flow of traffic on the trunk road in accordance with policy GP4 of the Powys UDP and TAN 18: Transport.

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

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

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

**Informative Notes**

Signed:.....  
Tamsin Law Principal Planning Officer

Date:

Signed:.....  
Principal Planning Officer/Interim Planning Solicitor

Date: