



such increase in loading on its Manafon facility, we consider that this may have been an error by STW when consulted on reference P/2016/0168 application knowing the shortfall in the then current available capacity of their sewage works. STW Development Management is clearly not familiar with the current operational restrictions affecting Manafon sewage works. Because of the above statement from STW and no plans submitted by STW since that time to replace the sewage treatment works in Manafon. MCC would insist that further time and consideration be given before this planning application is approved because of the issue as stated.

Apart from the issues in respect of sewerage disposal outlined above, there are additional questions/comments as follows:

1. Alongside the current development of Trem Hirnant there is a public footpath, what we cannot ascertain from the plans submitted is whether or not that footpath is compromised by the additional development or not.
2. We were not able to verify from the design statement and plans if provisions were being made for affordable housing, Manafon CC are committed to supporting local people to ensure there is sufficient, appropriate and affordable accommodation that enables them to live within their own communities.
3. With regard to the proposed open areas, Manafon CC have concerns as to the maintenance of those areas and whose responsibility it would be to ensure adequate maintenance of the site.

#### PCC – Highways

#### **Wish the following recommendations/Observations be applied Recommendations/Observations**

Prior to any other works commencing on the development site, detailed engineering drawings for a footway and traffic calming measures along the Class II B4390 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

HC1 Any entrance gates shall be set constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

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

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

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

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

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from

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

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

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

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

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

In the interests of highway safety.

#### PCC - Building Control

Building regulations required

#### PCC - Environmental Health

I have no objection to the application, however I would suggest that STW confirm there is adequate capacity within the foul drainage system within the development.

#### Severn Trent

As the proposal has no / 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.

#### NRW

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 17/03/2017.

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 - Flood Risk - Finished floor levels of the proposed dwellings should be set at 300mm or above the adjacent ground level*
- *Condition 2 - Flood Risk - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water*

*regulation system has been submitted to and approved in writing by the Local Planning authority.*

- *Condition 3 - EPS – Bats light spillage scheme*

#### *Flood Risk*

The built development is in DAM Zone A. However, the planning authority and applicant should be aware that part of the site access is within Zone C2 and potentially at risk of surface water flooding and/or fluvial from the River Rhiw to the south of the site.

The previously submitted FCA has highlighted a potential risk to part of the site from surface water flooding as defined on the 'Risk of Flooding from Surface Water' map. It is proposed to mitigate for this risk by raising finished floor levels at least 300mm above adjacent ground level.

We advise that the Lead Local Flood Authority is consulted with regards to any historic records of overland flooding but, as a minimum mitigation requirement we advise that finished floor levels being set at least 300mm above adjacent ground level is conditioned as part of any approval, as advised in the FCA.

*Condition 1 - Finished floor levels of the proposed dwellings should be set at 300mm or above the adjacent ground level*

*Reason: To protect the development from residual flood risk events, including surface water flooding.*

With regards to safe access/egress to and from the site, whilst we acknowledge that there are no records of the B4390 being affected by fluvial flooding, we reiterate that NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that evacuation is possible if required.

Surface water will be discharged to soakaway where feasible. If not, discharge to River Rhiw at a controlled rate may be necessary. We would encourage alternative methods which control run-off at source which are discussed within the FCA. As part of any formal approval, we advise;

*Condition 2 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning authority.*

Surface water generated from the site shall be limited to the equivalent greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the LPA.

*Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.*

Protected Species

### *Bats*

Bats are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended)

#### Condition 3 - EPS – *Bats light spillage scheme*

Care should also be taken in the type and location of any external lighting within the new development, to ensure that the hedgerows and trees identified on the site are not illuminated. We advise that a spillage scheme from the development should be agreed to the satisfaction of the local authority. If any mature trees will need to be felled as part of the scheme, they will need to be checked for features that may be used by bats (i.e cavities, cracks, holes and ivy cover) where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year.

Should bats be found to be using the trees as roosting sites, then we would expect you to propose and deliver appropriate mitigation and/or compensations scheme, along with Reasonable Avoidance Measures, to ensure the favourable conservation statues of the species is maintained.

### *Foul Drainage*

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage. The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

Any private sewage treatment / disposal facility must be installed and maintained in accordance with British Standard 6297, and Approved Document H of the Building Regulations 2000 (further details may be available from the local authority Building Control Officer). (NB Private treatment facilities are not considered environmentally acceptable in publicly sewered areas).

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

### PCC – Ecologist

Ecological Topic	Observations
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<b>EIA Screening Requirement</b>	No	The site area is understood to be 0.44 hectares and includes up to 5 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.
<b>Ecological Information included with application</b>	No	<p>No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and planning design and access statement and historical biodiversity records provided by the Powys Biodiversity Information Service.</p> <p>The application site appears to be located within an improved agricultural field and is located between a strip of woodland to the north and a recent housing development to the south. A hedgerow runs along the southern boundary, part of which would be removed to create a new access and footpath.</p>
<b>Protected Species &amp; Habitats<sup>1</sup></b>	European Species <input checked="" type="checkbox"/>	<p>There are historical records of various bat species and otters within 2km of the application site, but none within the vicinity of the proposed development itself.</p> <p>A long-eared bat roost is present in the nearby vicinity. The hedgerow that borders the site to the south could provide suitable foraging and commuting habitat for bat species. Based on submitted plans these are to be partly removed to provide new access.</p> <p>I recommend this hedgerow is translocated along the boundary of the new track. The remainder of the track should be replanted with native species. The hedge specification and seed mix should be agreed with the LPA prior to commencement of works.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife that may use the hedgerows.</p> <p>It is not considered that the proposed site represents suitable habitat for otters.</p>
	UK Species <input checked="" type="checkbox"/>	Nesting birds may use the hedgerow to the southern boundary. Should any vegetation removal be required I recommend that vegetation clearance works are timed to

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

		<p>avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The north-west and southern field boundary and highway verge consists of hedgerow which could provide suitable shelter for reptiles. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during creation of the new access to the proposed development. Such measures should be agreed with the LPA prior to commencement of works.</p>
	<p>Section 7 Species &amp; Habitat</p> <p style="text-align: center;">☒</p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are a Section 7 Priority Habitat and one hedgerow borders the south of the site. Based on the submitted plans, I understand that this is to be partially removed to create a new access. A hedgerow translocation should be completed to retain this landscape feature. For the remainder of the area which a new hedge is required the hedge specification and species mix should be agreed with the LPA prior to commencement of works.</p> <p>There are previous records of hedgehogs and polecat from within 2km of the application site and there would appear to be suitable habitat for hedgehog within the existing southern field boundary. It is therefore recommended that reasonable avoidance measures applied during construction to prevent impacts upon the local reptile population (discussed above) are extended to consider hedgehogs.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development.</p>
	<p>LBAP Species &amp; Habitat</p> <p style="text-align: center;">☒</p>	<p>See observations above.</p>



<b>Protected Sites</b>	International Sites <sup>2</sup> <input type="checkbox"/>	None identified with the search area.
	National Sites <sup>3</sup> <input type="checkbox"/>	None identified with the search area.
	Local Sites (within 500m) <input checked="" type="checkbox"/>	Moat Wood SINC is located 472m east of the site. Due to the nature and scale of the works and distance from the protected site it is not expected that there would be any negative effect on this site associated with this development.
<b>Invasive Non-Native Species</b>	Unknown	No ecological information has been submitted with this application.
<b>Summary of recommendations / further assessment or work</b>		<p>A hedge translocation is undertaken so that this feature is not lost. 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 biodiversity importance for wildlife will be protected during the construction period of works. It would seem likely that the creation of the new access point would require the removal of sections of hedgerow. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.</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>The hedge specification and species mix proposed for the new site boundaries should be agreed with the LPA prior to commencement of works, along with details of wider landscape planting within the proposed site.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife that may use the hedgerow along the field boundary.</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)

	<p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and hedgehogs during creation of the new access to the proposed development. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Should any vegetation removal be required I recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
<p><b>Recommended Conditions</b></p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a <b>Biodiversity Enhancement Plan</b> shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i>  <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 <b>lighting design scheme</b> to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i>  <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 <b>Tree and Hedgerow Protection Plan</b> 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>  <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>

*Prior to commencement of development, a **Species List for the Landscape Planting** shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

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

### **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.

#### **Reptiles - Wildlife & Countryside Act 1981 (as amended)**

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are

	protected against deliberate or reckless killing and injury  All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
<b>Relevant UDP Policies</b>	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 5: Nationally Important Sites ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
<b>Comments on Additional Information</b>	N/A

## Representations

Two letters of objection have been received from the local residents. In summary they relate to:

- Concerns with regards to the land drainage of the site despite the existing land drainage provision by the site owner.
- Backland development contrary to the provisions of Development Plan,
- Impact on privacy of the existing residents,
- Increase highway movements'
- Inadequate sewage disposal and capacity.

## Planning History

P/2016/0168 – Adjacent site (Phase 1) - Outline permission for 5 residential dwellings and associated works. Outline Consent Granted 2017.

## Principal Planning Constraints

Flood Zone  
Public Right of Way

## Principal Planning Policies

### National Planning Policy and Other Guidance

Planning Policy Wales (Edition 9, November 2016)

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)  
TAN 12: Design (2016)  
TAN 15: Development and Flood Risk (2004)  
TAN 16: Sport, Recreation and Open Space (2009)  
TAN 18: Transport (2007)  
TAN 20: Planning and the Welsh Language (2013)  
TAN 24: The Historic Environment (2017)

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

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

Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system (2017)

Fields in Trust Guidance for Outdoor Sport and Play – Beyond the 6 Acre Standard Wales (January 2017)

### Local Planning Policy

#### *Powys Unitary Development Plan (2010)*

UDP SP1 – Social, Community and Cultural Sustainability  
UDP SP2 - Strategic Settlement Hierarchy  
UDP SP3 – Natural, Historic and Built Heritage  
UDP SP5 - Housing Developments  
UDP SP6 – Development and Transport  
UDP SP9 – Local Community Services and Facilities  
UDP GP1 – Development Control  
UDP GP2 – Planning Obligations  
UDP GP3 – Design and Energy Conservation  
UDP GP4 – Highway and Parking Requirements  
UDP GP5 – Welsh Language and Culture  
UDP ENV1 – Agricultural Land  
UDP ENV2 – Safeguarding the Landscape  
UDP ENV3 – Safeguarding Biodiversity and Natural Habitats  
UDP ENV4 – Internationally Important Sites  
UDP ENV5 – Nationally Important Sites  
UDP ENV7 – Protected Species  
UDP ENV14 – Listed Buildings  
UDP ENV17 – Ancient Monuments and Archaeological Sites  
UDP ENV18 – Development Proposals Affecting Archaeological Sites  
UDP CS3 – Additional Demand for Community Facilities  
UDP HP3 – Housing Land Availability  
UDP HP4 – Settlement Development Boundaries and Capacities  
UDP HP5 – Residential Developments

UDP HP6 – Dwellings in the Open Countryside  
UDP HP7 – Affordable Housing within Settlements  
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries  
UDP HP9 – Affordable Housing in Rural Settlements  
UDP HP10 – Affordability Criteria  
UDP RL2 – Provision of Outdoor Playing and Recreation Space  
UDP RL6 - Rights of Way and Access to the Countryside  
UDP TR2 – Tourist Attractions and Development Areas  
UDP T2 - Traffic Management  
UDP DC3 – External Lighting  
UDP DC8 – Public Water Supply  
UDP DC9 – Protection of Water Resources  
UDP DC10 – Mains Sewerage Treatment  
UDP DC13 – Surface Water Drainage

Powys Residential Design Guide (2004)

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

Powys Joint Housing Land Availability Study (2016)

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

## **Officer Appraisal**

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

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

Members will be aware that the examination of the LDP is currently in progress and at this current time the UDP is current adopted plan used for determining planning applications.

### Principle of development

The proposed development lies wholly outside the development boundary of Manafon as detailed on Unitary Development Plan (2010) inset map M173 and would result in five dwellings being constructed outside the settlement boundary. The site is located north of the existing housing estate within the western part of the settlement boundary which is known as Trem Hirnant.

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 is 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 a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Manafon is classified as a large village within the Powys Unitary Development Plan (insert map number M173) and two sites were allocated within the UDP for residential development. Site M173 HA1 – Land to the rear of Church Cottage (0.67Ha.), and M173 HA2 – Land adjacent to the Filling Station (0.34Ha.).

One of the sites has been developed with M173 HA1 remaining undeveloped.

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.

### Sustainable location

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

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

Manafon is classified as a large village in the UDP where it was considered that 20 dwellings would be an appropriate level of growth for the plan period. This plan period has come to an end but the circumstances of the village have not altered significantly and it is considered that the site is relatively well connected to the surrounding larger settlements, such as Berriew or Tregynon.

It is noted that there is an opportunity for the provision of a footpath link between the application site and the rest of the village. The community council has requested this provision (during the Phase 1 application) to link into the existing footpath which finishes at Trem Hirnant and would allow safe access to the rest of the village. The provision of a pedestrian footpath is considered a benefit and would assist in sustainability terms and as such it is recommended that any consent includes a condition requiring a pedestrian link to be provided.

The site is considered to be within a sustainable location due to the services provided locally and the submission also suggests further improvement in sustainability in terms of the provision of a pedestrian link between the two settlement boundaries. Furthermore, it is understood that existing Public House is in use.

In light of the above it is considered that additional residential development of this scale in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

#### Affordable housing provision

Given that the proposal is for more than five dwellings, the UDP requires a proportion of affordable housing.

The applicant has offered to provide on-site provision of a single affordable dwelling in this instance. This equates to a 20% provision. Given evidence produced to support the LDP suggests that 20% is the viable level at this location, it is considered that the proposed level of affordable housing (a single unit) is acceptable. A condition is recommended to be attached to restrict the floor space of the dwellings to that set out within the UDP (130 square metres) as well as removing permitted development rights.

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

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



The indicative layout and scale indicates five dwellings, with garages sited off the adoptable and private road, located north of the cluster of existing dwellings. The layout demonstrates that the site can accommodate five dwellings. The immediate surrounding properties consist of a mixture of one and two storey detached properties with a mixed palette of materials; including brick and render. Therefore, the proposed scale of two storeys is not considered to be out of character with the locality.

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

Whilst the site would be visible from public vantage points, including the public highway and public rights of way, and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite the cluster dwellings at Trem Hirnant and along the approach road to Manafon if traveling from Tregynon/Adfa direction, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact, the proposed scale of five dwellings is considered to reflect the character of the development that has already occurred along the highway at Manafon, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

#### Impact upon amenities enjoyed by the occupants of neighbouring properties

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

The site is bounded to the south by existing properties on Trim Hirnant estate. The public representation has been noted in respect of potential negative impact in respect of their property (3 Trem Hirnant), however it is important to note that indicative plans show that there is sufficient distance (approximately 17 metres from the wall-to-wall between the existing and proposed property at Plot 6) with intervening estate road between to ensure the protection of amenities enjoyed by the existing and future occupants. It is important to note that Plot 6 is not indicated to directly overlook no. 3 Trem Hirnant. In addition, given that the layout is indicative, amendments could be proposed to mitigate any impacts further.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to plot 6 of the proposed site and no.3 and no.4 Trem Hirnant in particular, 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 and Infrastructure

Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Details of the proposed access have been submitted and form part of current consideration. Access to the application site will be provided via existing agricultural access off the private lane leading from junction with B4568 road, whilst parking and turning provision will be provided within the site boundary. It is important to note that the proposed access will lead through the adoptable access road which will link through the Phase 1 development.

The Highways Department recommend that a footway link is built within the improved forward visibility splay from the new development to the adjoining housing estate, as the requirement of original planning application (P/2016/0160, Phase 1) as well as the current scheme. Powys Highways Department as highway authority for the County highway has not raised objections to the proposed development and has recommended that any permission granted must include conditions securing a suitable standard of access and the provision of suitable footway as per Phase 1 scheme.

Therefore it is considered that the proposed development could be served with an adequate means of access and sufficient parking and turning areas within the site to ensure that the scheme would not be detrimental to highway safety. The proposal is therefore considered to comply with UDP policy GP4

### Impact on biodiversity and suitability of landscaping

The proposed development would result in the loss of an area of approximately 0.4ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by NRW with respect to the ecology of the site.

The applicant has identified there to be potential to strengthen local landscape character and to soften views of the development through the use of boundary hedgerows, with occasional planting of trees and the strengthening and retention of existing boundary hedges and trees. Existing wildlife corridors can be enhanced through the creation of habitats and by joining existing hedgerows and trees through the planting of new hedges and trees.

The wider area is characterised by the existing landform, woodlands and existing hedgerow trees. The incorporation of trees and hedges within the development layout will help to blend the development into the existing surroundings.

It is considered that through the introduction of appropriate planting, landscape impacts would be minimised and biodiversity enhanced. Natural Resources Wales and the County Ecologist have recommended a number of safeguarding conditions to be attached if the application is approved. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

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

#### Foul water disposal

It is proposed to connect to the public sewerage system which is the preferred method of disposal. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development.

Development Management fully acknowledges comments made by two public representations and Community Council in respect of their concerns for foul water disposal, however it is important to note that Severn Trent Water has clearly stated that they have no objections to the proposed scheme nor did they have any objection with approved Phase 1 development. Development Management considers that a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

#### Flood risk and surface water drainage

NRW notes that the built development is in DAM Zone A (*Considered to be at little or no risk of fluvial or coastal/tidal flooding*), however, they note that part of the site access is within Zone C2 and potentially at risk of surface water flooding and/or fluvial from the River Rhiw to the south of the site, however NRW acknowledge that there are no records of the B4390 being affected by fluvial flooding.

NRW also notes that the previously submitted FCA has highlighted a potential risk to part of the Phase 1 site from surface water flooding as defined on the 'Risk of Flooding from Surface Water' map. It is proposed to mitigate for this risk by raising finished floor levels at least 300mm above adjacent ground level.

In respect of the current proposal (Phase 2) as a minimum mitigation requirement NRW advise that finished floor levels are also being set at least 300mm above adjacent ground level as a condition, as advised in the original FCA for the Phase 1 development.

Therefore, on the basis of the comments from the applicant's agent and NRW, it is considered that the recommendations from the NRW should be attached as conditions to any consent granted to in respect of finished floor levels.

In this instance no surface water drainage details/drawing(s) have been submitted, apart from application form stating that surface water will be drained via soakaways. Therefore, to ensure adequate surface water drainage is provided for and to ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates, it is considered reasonable and necessary to attach a condition to any consent granted to require the submission, approval and implementation of a surface water drainage scheme in accordance with UDP Policy DC13.

#### Loss of agricultural land

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

### Welsh Language and Culture

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Other Legislative Considerations**

#### Crime and Disorder Act 1998

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

#### Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

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

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

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

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

#### **RECOMMENDATION**

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. The proposed development is for the provision of 5 dwellings in what is considered to be a sustainable location given the existing services in Manafon and in nearby settlements. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. It is recommended that the application is approved subject to the conditions set out below.

#### **Conditions:**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the B4390 highway (drawing no: RPP/RC-JOB54-03).
5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

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

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

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

8. A Biodiversity Enhancement Plan shall be submitted at the same time as the reserved matters referred to within Condition 1. The approved plan shall be implemented prior to the occupation of any of the dwellings.

9. A Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted at the same time as the reserved matters referred to within Condition 1. The approved plan shall be implemented prior to the occupation of any of the dwellings.

10. A Species List for the Landscape Planting shall be submitted at the same time as the reserved matters referred to within Condition 1. The approved plan shall be implemented prior to the occupation of any of the dwellings.

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

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



13. Finished floor levels of the proposed dwellings should be set 300mm above the adjacent ground level.
14. Prior to any works commencing on the development site, detailed engineering drawings for a footway and traffic calming measures along the Class II B4390 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
15. Any entrance gates shall be set 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.
16. 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.
17. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
18. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90 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.
19. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
20. 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.
21. 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.
22. 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.

23. The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

25. No dwelling shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard.

26. 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.

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

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

29. 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.

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

#### Reasons

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

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

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

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

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

6. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs

Supplementary Planning Guidance (2011).

7. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

8. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.

9. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.

10. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.

11. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.

12. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 8, 2016).

13. To protect the development from residual flood risk events, including surface water flooding in accordance with the provisions of Technical Advice Note 15.

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

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

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

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

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

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

## **Informative Notes**

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

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

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

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

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

### ***Reptiles - Wildlife & Countryside Act 1981 (as amended)***

*All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.*

*The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury*

*All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.*