

PCC Highways

The County Council as Highway Authority for the County Unclassified Highway, U2203

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a carriageway widening on the Unclassified U2203 & U2204, new footway and associated works along the Unclassified U2204 shall be submitted to and approved in writing by the Local Planning Authority.

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

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning

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

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

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

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

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

In the interests of highway safety.

PCC Environmental Health

As the foul drainage for the dwelling will connect to mains, I have no objection to the application.

PCC Ecologist

Thank you for consulting me with regards to the planning application P/2017/0542 which concerns an Outline planning application for erection of one detached dwelling, formation of a new vehicular access and associated works at Twin Oaks, Guilsfield, Welshpool, Powys.

I have reviewed the proposed plans, aerial and streetview images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 222 records of protected and priority species within 500m of the proposed development – there are no records for the site itself. However, the records included 50 records for Great Crested Newts.

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

The following statutory designated sites present within 500m of the proposed development:

Granllyn SSSI
Granllyn SAC

Having reviewed the location and nature of the proposed development in relation to the Granllyn SAC/SSSI it is considered that there is no direct connection between the site of the proposed development and the Granllyn SAC/SSSI. There is a roadways and residential properties between the site and the Granllyn SAC/SSSI. Given the lack of direct connection between the development site and the SAC, it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required.

A General Ecological Appraisal of the proposed developed land was undertaken by Oakwood Ecology dated September 2016. I have reviewed the Ecological Appraisal, I consider that the survey effort employed was in accordance with National Guidelines.

I note that the General Ecological Appraisal refers to a proposed development for three detached dwellings which I understand was a previous application which has now been withdrawn and a new submitted proposed plan for one dwelling has been put forward for the same site.

The appraisal consisted of a combination of desktop searches and a site visit which took place on the 25th August 2016. The report noted the habitat on the site include Arable and Species-rich intact Hedgerow. *The report in summary concluded that Great Crested Newts are the only species that may be present on the site, although it is unlikely that they will be directly affected by the proposed development.* The report identified that the *only terrestrial habitat on the development site that moderately suitable as commuting and foraging habitat for GCN is the hedgerow.* It is also noted that the hedgerows were moderately suitable for reptiles.

The report identifies the importance for hedgerows for GCN for commuting to other ponds and for foraging. However the hedgerow that maybe affected by the proposed development does not provide an obvious link between quality habitat for GCN therefore it is seen that any changes to the hedgerow boundary of the proposed site would not impose a significant barrier to movement within local GCN population.

In section 5 Conclusions and recommendations it includes recommendations for mitigation with regards to Hedgerow relocation and further protection of Great Crested Newts. I recommend a condition is included to ensure implementation of these recommendations.

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

The submitted Planning Statement has identified that the proposed development will include a good level of landscaping to ensure integration of the development within the landscape – it is recommended that the details of any landscaping scheme including proposed species mixes, planting details and aftercare schedules are secured through an appropriately worded condition.

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

The recommendations regarding Great Crested Newts identified in section 5 of the Ecological Report by Oakwood Ecology dated September 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

Prior to commencement of development, a detailed landscaping scheme including details of species mix, planting specification and appropriate aftercare measures shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved and maintained thereafter

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

Natural Resources Wales

Erection of one detached dwelling, formation of a new vehicular access and associated works Twin Oaks, Guilsfield, Welshpool, Powys. P/2017/0542

Thank you for your consultation received on 19th May 2017. We have reviewed the information submitted. We have previously commented on a similar application P/2016/0972 CAS-24411-B8N5 at this site and the ecological report is still valid.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the conditions listed below. We would object if the consent does not include these conditions

Summary of Conditions

Condition 1: Sites: No development shall take place until a scheme to contribute to the safeguard and protection of the Granllyn SAC newt population has been submitted and approved in writing by the local planning authority.

Condition 2: EPS: No development shall take place (including, ground works, site clearance) until a GCN Reasonable Avoidance Measures Scheme (RAMS) in line with the recommendations made in the ecological report, has been submitted to and approved in writing by the local Planning authority

Condition 3: EPS: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA.

Condition 4: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Protected Sites

The proposal is in the vicinity of the following protected sites:

- Granllyn Site of Special Scientific Interest (SSSI)
- Granllyn Special Area of Conservation (SAC)

This site supports a nationally important population of great crested newt (*Triturus cristatus*). In our view the potential range of the local population of newts at Granllyn includes the application site.

We advise that the proposal may have implications for the SAC, SPA or Ramsar sites listed above and you should carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

As detailed below under 'Protected Species' the submission includes GCN Reasonable Avoidance Measures (RAMS).

We consider that further mitigation proposals are required for the purposes of addressing direct and indirect impacts on the SAC, including those associated with potential in combination increases in recreational pressures and disturbance/predation of wildlife.

We consider that planning conditions or obligations can be used to address the impacts of these identified effects. Possible options include the payment of a commuted sum that would be specifically used to support the conservation of this species of amphibian

Condition 1: Sites: No development shall take place until a scheme to contribute to the safeguard and protection of the Granllyn newt population has been submitted and approved in writing by the local planning authority.

A scheme to contribute to the safeguard and protection of the Granllyn newt population is required to ensure the proposal does not affect the conservation objectives of the Granllyn population of great crested newts.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

NRW consider that provided the reasonable avoidance measures are adhered to, the proposal is not likely to have significant adverse effect on the features of the above named SAC.

Protected Species

The applicant has submitted an ecological appraisal (Oakwood Ecology Sept 2016). NRW consider the assessment in respect of great crested newts to be satisfactory. As identified above, the application site is located in the vicinity of Granllyn Special Area of Conservation (SAC) and SSSI, which supports a nationally and local important population of great crested newt (*Triturus cristatus*).

It is considered that the proposal will not be detrimental to the maintenance of the favourable conservation status of any great crested newt populations present in the vicinity of the application site provided adequate measures are taken to minimise incidental killing during and post construction.

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5.

We anticipate that appropriate avoidance and mitigation measures (Reasonable Avoidance Measures - RAMs), such as the ones listed in section 5 of the ecological appraisal as well as the erection of a 1-way amphibian fence, prior to and throughout the duration of the project, will guarantee suitable precautions are taken to avoid detrimental impact during the construction phase.

Although some recommendations are made within the report, consideration of the long term impact on this species must also be considered.

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

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

Condition 2: EPS: No development shall take place (including, ground works, site clearance) until a GCN Reasonable Avoidance Measures Scheme (RAMS) in line with the

recommendations made in the ecological report, has been submitted to and approved in writing by the local Planning authority

Condition 3: EPS: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA in consultation with NRW.

We advise that works must immediately stop in the event of the great crested newt being found. Operations can recommence on receipt of the appropriate licence issued by NRW.

Biosecurity

We consider biosecurity to be a material consideration in respect of this proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

Condition 4: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We consider that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration.

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.

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 / www.cyfoethnaturiolcymru.gov.uk

Scope of NRW Comments

Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other

matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

Following display of a site notice and publicity in the local press no written representations have been received.

Planning History

P/2016/0972 - Outline – Residential development to include formation of a new vehicular access and associated works – Application Withdrawn

Principal Planning Constraints

None.

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)

Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12 - Design (2016)

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)

Technical Advice Note (TAN) 23 - Economic Development (2014)

Technical Advice Note (TAN) 24 – The Historic Environment (2017)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5 - Welsh Language and Culture
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
DC3 – External Lighting
DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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

Officer Appraisal

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

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

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is considered as a departure.

Housing Land Supply

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

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

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

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

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

Sustainability

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

The site itself is adjacent to the development boundary of Guilsfield which is identified in the UDP as a Large Village. Guilsfield is served by a wide range of community services and facilities including a primary school, numerous shops and public houses. It is also easily accessible by public transport with regular bus services which provide transport to Welshpool.

The development site is approximately 3 Kilometres to the north of Welshpool which is identified in the UDP as an Area Centre. Welshpool is served by a wide range of community services and facilities including a hospital, secondary school, primary schools, leisure centre, library, museum, numerous shops and public houses. It is also easily accessible by public transport with regular bus services and a main line railway station.

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

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site

and stated that the proposed dwelling is to be detached dwelling with three or four bedrooms with a detached garage.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the site will be located approximately 7.5 metres from the nearest neighbouring residential dwelling to the west with the right of way/access track between. It is considered that the proposed dwelling would be located further from the existing dwelling, the indicative plans demonstrate that the proposed dwelling could be located approximately 22 metres from the nearest neighbouring dwelling.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the planting of additional trees and the relocation of part of the existing hedgerow to create road visibility improvements and the required access. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite to existing dwellings within the area, that landscaping measures would reduce the visual impact and the proposed scale of one dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2058 via an existing access.

The Highway Authority have been consulted on this application and have raised no objections to the development but have suggested a number of conditions regarding engineering drawings, highways improvements, entrance gates, parking provision and access construction methods and materials.

In light of the Highway Officer's comments it is considered that a safe access can be achieved and the proposed dwelling. Therefore, in light of the above and subject to the appropriately worded condition, it is considered that the proposed development complies with policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

A General Ecological Appraisal has been submitted with the application and the Powys Ecologist as well as Natural Resources Wales have been consulted on the development and have provided comments.

A General Ecological Appraisal of the proposed developed land was undertaken by Oakwood Ecology dated September 2016. The report noted the habitat on the site include Arable and Species-rich intact Hedgerow. The report in summary concluded that Great Crested Newts are the only species that may be present on the site, although it is unlikely that they will be directly affected by the proposed development. The report identified that the only terrestrial habitat on the development site that moderately suitable as commuting and foraging habitat for GCN is the hedgerow. It is also noted that the hedgerows were moderately suitable for reptiles.

The report identifies the importance for hedgerows for GCN for commuting to other ponds and for foraging. However the hedgerow that maybe affected by the proposed development does not provide an obvious link between quality habitat for GCN therefore it is seen that any changes to the hedgerow boundary of the proposed site would not impose a significant barrier to movement within local GCN population. In section 5 Conclusions and recommendations it includes recommendations for mitigation with regards to Hedgerow relocation and further protection of Great Crested Newts.

No objection has been raised to the scheme; however, the inclusion of several conditions has been recommended to secure the recommendations identified in the Appraisal, and tree and hedgerow protection plan, submission of a Landscaping Scheme and an External Lighting Design Scheme. In terms of the landscaping plan it is noted that this is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, it has been stated that provisions will be put in place to ensure that surface water drainage will be dealt with appropriately. In light of this, subject to appropriately worded conditions it is considered that surface water drainage can be appropriately managed.

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area.

Whilst Guilsfield has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Guilsfield Ward reported that 11.7% of the population can speak, read and write in Welsh. This is an increase from the 2001 census which stated that 9.1% of the population of Guilsfield could speak, read and write in Welsh. The development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Other legislative considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

6. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
8. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. 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.
11. The width of the access carriageway, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
12. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
13. 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.

14. 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.
15. No storm water drainage from the site shall be allowed to discharge onto the county highway.
16. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
17. Prior to the first use of any external lighting a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
18. No development shall take place until a scheme to contribute to the safeguard and protection of the Granllyn SAC newt population has been submitted to and approved in writing by the local planning authority. Development thereafter shall be completed in full accordance with the details as approved.
19. No development shall take place (including, ground works, site clearance) until a Great Crested Newt Reasonable Avoidance Measures Scheme (RAMS) in line with the recommendations made in the ecological report, have been submitted to and approved in writing by the local Planning authority. Development thereafter shall be completed in full accordance with the details as approved.
20. No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.
21. No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.
22. At the time of the reserved matters a scheme for the surface water shall be 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 use of the development and retained in perpetuity.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
6. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
7. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
8. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
9. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
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14. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
15. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
16. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.
17. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

18. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
20. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
21. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
22. In the interests of surface water drainage and to accord with Unitary Development Plan policy DC13.

Informative Notes

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk.

Case Officer: Sara Robinson- Planning Officer
Tel: 01597 827229 E-mail: sara.robinson@powys.gov.uk