

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/1145	Grid Ref:	307169.13 261392.84
Community Council:	Llandrindod Wells	Valid Date:	Officer: 21/11/2016 Thomas Goodman
Applicant:	Mr Paul Rowlands, PAR Homes Ltd, Lower Gaufron Farm, Howey, Llandrindod Wells, Powys, LD1 5RG		
Location:	Site Adjacent to Cae Eithin, Cefnlllys Lane, Llandrindod Wells, Powys, LD1 5LE		
Proposal:	Outline (some matters reserved): Erection of 4 dwellings, new access and associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

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

Site Location and Description

The proposed development is located within the open countryside as defined by the Powys Unitary Development Plan (2010).

To the north of the application site runs Cefnlllys Lane, to the east and south is agricultural land and to the west is the settlement development boundary of Llandrindod Wells and a number of residential dwellings.

Outline consent is sought for the erection of 4 detached dwellings and the creation of a new vehicular access. Matters relating to landscaping, appearance, layout and scale are all reserved for future consideration and therefore the principle of development and access is required to be determined in this instance.

Consultee Response

Llandrindod Wells Town Council

The above planning application was placed before my Council at its meeting held on 20th December 2016.

The Town Council objects to this application on the following grounds and recommends refusal.

We would like to make strong objections to Planning Application P/2016/1145 on behalf of both the local Upper Cefnlllys Lane and the Lower Broadway residents.

This site, No 604 of the potential sites for the original PCC LDP 2011/2026 was rejected by the PCC LDP Planning Department, and opposed by the Llandrindod Wells Town Council in 2011/2012. The reasons for both of these objections are still valid.

The proposed development site is in a most unsuitable location in upper Cefnlllys Lane which is narrow and winding with few dwellings. The proposed development site, is just past two sharp blind bends and a steep slope, a potentially dangerous location given that the occupants of the 4 four bedroom houses could use at least eight vehicles.

There are no pavements or local buses, and sewage and water facilities could also be a problem. Radnorshire Wildlife Trust is submitting an environmental overview.

The site will also be paved which will increase the surface water run-off into the Arlais Brook, which at the Lower Broadway 'Fiveways Flood Relief Scheme Barrier and Retention Pond', is already at its maximum capacity, when full with excess surface water flowing over the spill way into the Broadway Culvert.

The Llandrindod 'Fiveways Flood Relief Barrier Scheme' at Lower Broadway, is a catalogue of RUDC, PCC Planning and PCC Engineering missed opportunities, and any new building developments in the Upper Arlais Brook catchment area can only exacerbate the potential for downstream flooding, especially at the Lower Broadway Fiveways Flood Barrier Scheme.

To clarify the problem, we will catalogue the Arlais Brook flood events in order:

- Llandrindod has been built upon a narrow north/south flood plain and the Arlais Brook is the main surface water carrier for the area.
- In the 1900's there were flooding incidents at Five Ways, and in 1932 the area was flooded to a depth of several feet, with major damage to local properties.
- The RUDC decided to build a 'Fiveways Flood Relief Scheme at Lower Broadway' with a Flood Barrier, a Surface water Retention Pond and an earth Bund Wall to protect local resident's properties. To limit the potential flow of surface water to Fiveways only a small 24 inch release throttle was installed.
- The scheme appeared to work reasonably well, with I presume maintenance.
- In 1980/1 the PCC (owners) granted planning permission for the development of 6.2 acres of the Upper Arlais Brook. This was very controversial at the time.
- In 1980/1 the PCC then sold the land to the Land Authority for Wales (LAW) for £90k with a Covenant for 5 dwelling per acre. Gorse farm was a bog.
- In 1981 the RUDC agreed with the LAW to improve the Lower Broadway flood relief scheme with a larger Retention Pond and a higher Bund wall. A report was made of the previous Arlais Brook flooding history including flow calculations.
- A paragraph stated that with both culverts operating at maximum surface water flow there was insufficient capacity to deal with a twenty year storm.
- 1980's the LAW Upper Cefnlllys Lane land then went out to tender and was purchased by Cambrian Construction Ltd.
- In 1985/86 the RUDC approved Phase 1 of the Gorse farm development with Cambrian. The Developer submitted plans for 55 dwellings (in excess of the

covenant number) and the RUDC insisted that the Developer build a Large 'Gorse Farm Balancing Pond' to compensate for the loss of the Gorse Farm bog.

- The Developer completed the development work in 1985/9 and was instructed to deposit a Surety of £25k with the RUDC to ensure that the large Gorse Farm Balancing Pond would be maintained in good order.
- In 1996 Radnorshire, Brecknockshire and Montgomeryshire amalgamated into the County of Powys. The Gorse Farm Pond Surety was handed to the PCC.
- In 2000/01 Residents discovered that the Gorse Farm Balancing Pond has silted up and had been handed over to RWT together with the balance of the Surety £11k. One presumes that no maintenance had been performed by the PCC.
- 2001/2 The Lower Broadway retention Pond was slightly enlarged, one presumes to compensate for the loss of the Gorse Farm balancing pond.
- There then occurred a series of Flooding incidents at the Lower Broadway Flood Relief Site.
- In 1998 a beer barrel became stuck in the 24 inch throttle. Properties flooded.
- 2002/3 A large Tree trunk and a large piece of plywood were removed from the culvert. Specialist engineering work then revealed tree roots inside the culvert. These were removed and the tree was cut down.
- 2004. Following intense pressure from residents the PCC produced their 'Five Ways Flood Relief Scheme' Report for further studies. (15%PCC/85%WAG).
- 2005. 8/11. A large wooden Bridge became stuck in the culvert.
- 2006. Upgrading Project work approved. £160k (15% PCC – 85% WAG).
- 2007. Ground work commenced. The Bund Walls for Lant Ave and Broadway were raised and strengthened and the Retention Pond enlarged. The Upper Bund wall is now of stone while the Lower Bund Wall is still made of earth. The 24 inch throttle remained and a 'protection guard' was fitted.
- 2008. Another near miss with flooding. Engineering work not started.
- 2008. 5/09. The Contractor left a pile of bricks on the spillway. The water rose, hit the bricks, burst through the sand bags and flooded residents properties. This was negligence and should never have happened.
- 2009. An overspill guard was fitted. It was then noticed that when the pond was full, the 24 inch throttle created a whirlpool and eddy currents which eroded the earthen Bund Wall where it joined the concrete barrier. The PCC were informed.
- 2009. December. Contractors installed large stone blocks at the Bund wall and Concrete Barrier Junction.
- 2010. October. A wooden Pallet was caught by the overspill retention guard. The pallet was large enough to have blocked the culvert.
- 2011/2012. December/January. Really heavy rain for several days. The Retention Pond filled and overflowed over the spill way. The Memorial Gardens bridge was under water and there was flooding at the Metropole Hotel entrance.
- 2013/14. Decemer/January and 6th Februrary. Very heavy rain. The earthen Bund Wall was again being eroded. The PCC Land Drainage was informed.
- 2014/15. Retention Pond full on several occassions. Bund Wall still eroding.
- 2016. Early heavy rain. But the year was mostly dry. The PCC Land Drainage Department cleared much of the silt from the Retention Pond in the summer,

but did not sort out the Bund Wall erosion. This could now become a dangerous situation.

Conclusion:

The Arlais Brook is the main surface water carrier from the NE to the SW of the Llandrindod, which is built upon a flood plain. The RUDC originally built a Flood Barrier, Retention Pond and a Residents protection Bund Wall at Lower Broadway, but unfortunately only with a small 24 inch dam water release throttle.

Over the years extensive developments have taken place in the Upper Arlais Brook area greatly increasing the surface water runoff flow. The authority reaction to these developments has been to enlarge the Retention Pond and raise and strengthen the residents Bund Wall, but not unfortunately at the lower end, which is still earth.

We now have a situation where, when full, there is several hundred tonnes of water in the Retention Pond, with an earthen Bund Wall which is being slowly eroded. Basically the 24 inch Release Throttle is too small for the system, as now built.

In the last few years Mid Wales Housing bought the end House directly below the 'Fiveways Broadway Flood Scheme Barrier', just where the earthen bund wall is eroding. A family with a disabled child now live in this house, and if the bund wall were to breach, the whole family and the disabled child would be at serious risk of harm. This is a possible accident waiting to happen. The PCC Land Drainage Dept. has been informed and have been copied into this e-mail.

We trust you will seriously consider the points contained in this letter of objection.

PCC - Highways

Consultation response received 14/02/2017:

"The Highway Authority have no objection in the principle to the provision of a small scale residential development at this location.

Cefynllys Lane is generally in excess of 5 metres wide along much of its length from its junction with Broadway towards the proposed development site itself. The current levels of traffic along the route are relatively low for a road of this nature and therefore there are no concerns from a highway capacity perspective. Whilst the carriageway does narrow in the vicinity of the proposed access to the site, the narrowing is over a relatively short length, where visibility to oncoming traffic is good and where localised widenings are available; these provide adequate passing opportunity.

The data supplied within the Traffic Speed Survey document which accompanies the application, demonstrates that a suitable access, providing visibility in line with Manual for Streets parameters can and will be provided. The development is likely to generate in the region of 5-7 additional vehicular movements per dwelling on a daily basis, which over a typical 12 hour period is likely to generate an additional 2-3 vehicular movements per hour onto Cefynllys Lane. There are no recorded Road Traffic Collisions along the length of

Cefynllys Lane as far as it extends to the site and the slight increase in traffic this scheme will generate will not unduly increase the risk of such.

Whilst footway provision is in place along much of Cefynllys Lane it is noted that such provision does terminate some 350m short of the proposed site entrance. It is therefore recommended that the developer considers providing an internal link footway within the site to link up with Cefynllys Lane on the western boundary; this will provide a far shorter and appropriate desire line for those pedestrians wishing to travel from the site towards the town and decrease the length over which pedestrians would forgo footway provision to some 140m. I would also recommend that the developer investigate the viability of providing the missing footway link that currently exists between the site boundary and the area to the west of the site, though I recognise that this may not be achievable due to existing constraints.”

Consultation response received 23/03/2017:

The provision of an internal footpath link as detailed on latest submitted drawing 4631/1B does significantly improve the pedestrian desire line from the development site towards the town. Whilst the provision of the missing footway link along Cefynllys Road would be desirable, the constraints raised by the developer are noted and it is also acknowledged that walking distances without footway provision are no greater than those experienced by the neighbouring properties. In light of the above, the Highway Authority recommends that the following conditions be attached to any consent granted.

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

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 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 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a

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

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

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.

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.

HC19 No dwelling shall be occupied before the internal link footpath is fully constructed to a standard to be agreed in writing by the Local Planning Authority. The footpath shall be retained for its designated use for as long as the development hereby permitted remains in existence.

HC21 Prior to the occupation of any 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

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

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

PCC - Rights of Way

Thank you for the opportunity to comment on this planning application.

Footpath RL1634 crosses land, which the applicant owns, but is not within the development area, shown red on the location plan and block plan, instead passing between the properties Linwood and Cae Eithin to meet the road.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

Powys Ramblers Association

Thank you for the opportunity to comment on this application.

We are in agreement with the comments made by Countryside Services. In the event of permission being granted can the applicant please be advised of the importance of making sure that the nearby right of way is not obstructed during the course of any development works.

PCC - Land Drainage

Thank you for consulting the LLFA.

In response, the LLFA would make the following observations/comments/recommendation.

Land Drainage / Flood Risk

Observation: Reference is made under Item 13 – Assessment of Flood Risk on the Planning Application form where it indicates that the site is not within 20 metres of a watercourse. This is incorrect. An existing watercourse flows adjacent to the proposed development. No further reference has been made in the submission to recognize the existence of this watercourse.

Comment: The Authority holds no historical flooding information relating to this greenfield site. However, from surface water flood mapping in our possession, there is a risk of localized surface water flooding to the adjacent public highway. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows a 'medium' chance of flooding from surface water along the public highway. It is uncertain whether or not the proposed development site is at risk from this localised surface water flooding, particularly if a new access is created across the adjacent watercourse. In this particular case the submission of a topographic survey will be required in order to determine if the site is at risk.

The watercourse flowing adjacent the site is deemed an Ordinary watercourse. Any proposed alterations or interference with this watercourse will require the prior approval from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Powys CC is generally oppose the culverting of any watercourse for development intentions, unless for access purposes.

No buildings, structures, fences, planting or alteration of contours shall take place within 5 metres from the top of the bank of the existing watercourse.

Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

Recommendation: An appropriate FCA should be prepared to evaluate and assess any localised surface water flood risk prior to the granting of any permission.

Reason: To ensure that the proposed development does not compromise the function of the watercourse channel and that any proposed alteration to this system is fully compliant with regulations and are of robust design.

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated in Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states that surface water is to be disposed to soakaway.

No proposed surface water drainage details or layout drawing(s) have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design.

The general soil type for the site location is described as being ‘slowly permeable seasonally wet acid loamy and clayey soils’. Soakage in this type of soil structure may be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site.

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has publish interim national standards on an advisory basis, to enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government’s planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non statutory national standards and guidance can be downloaded from The Welsh Government’s website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set

out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development follow and incorporate Welsh Government's SuDS interim design standards.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

Reason: To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru - Welsh Water. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows.

Consultation response received 11/10/17:

Thank you for re-consulting the LLFA regarding the above application.

Having reviewed the FCA prepared by Waterco dated September 2017 (see attached), the LLFA find the conclusions of the report acceptable. However, the LLFA ask that the following informative note is applied in respect to the proposed culverting of the adjacent watercourse.

Informative: The proposed culverting of the Ordinary watercourse to form the new access will require the prior written consent from Powys County Council under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant Ordinary Watercourse Consent application forms and guidance should be sought from the County Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to this watercourse.

In respect to surface water drainage, the LLFA's response/recommendation dated 9th of February 2017 is still valid.

PCC – Ecologist

Consultation response received 20/12/2016:

The current EIA screening threshold for housing developments is provided by the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. Under Schedule 2, Section 10(b) EIA screening is required if an urban infrastructure project will:

- exceed five hectares;
- include more than 150 dwellings;
- or include more than one hectare of urban development that is not a dwelling house development.

The total site area is 0.497ha and the development involves the creation of 4 residential dwellings. The proposal is therefore not considered to meet or exceed the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 Schedule 1 threshold for mandatory EIA or the Schedule 2 threshold for an EIA Screening opinion to be required.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following European protected species within the vicinity of the site:

- Great Crested Newt: several adults (male and female) in 2012 and 2013 from Cefnlllys Lane and from Gorse Farm Local Wildlife Trust reserve (most recently in 2007);
- Bat species: records of at least three bat species from east and west of the development site.

Aerial imagery from 2016 indicates that the development site could be suitable to support these features, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following National protected species within the vicinity of the site:

- Badger: one record nearby from 2012;
- Nesting birds: numerous nesting bird species have been recorded to the west of the site, including Red Kite (see below for Section 7 Priority Species).

Aerial imagery from 2016 indicates that the development site could be suitable to support these features, as well as various reptile species, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

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.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following Section 7 priority species within the vicinity of the site:

- Birds including Yellowhammer, House Sparrow, Starling, Dunnock and Red Kite, which could nest within the site;
- Polecat: there are several older records from the vicinity around the site;
- Brown Hare: one record to the east from 2009.

Aerial imagery from 2016 indicates that the development site could be suitable to support these features, as well as Hedgehog, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

Aerial imagery for the site also indicates the potential presence of lowland heathland habitat (a Section 7 priority habitat).

The proposed development site appears to be bordered by hedgerows and trees. The proposed retention of trees around the site boundary is welcomed, as is the planting of native stock hedgerows (a Section 7 Priority habitat) and trees within the development.

No ecological information has been submitted with this application. A search of the local biodiversity records database has revealed historic records for the following LBAP species within the vicinity of the site:

- Holly Blue butterfly: a record from the site in 1998
- Birds of local importance, of which Goldfinch, Greenfinch and Blackbird could nest at the site.

Aerial imagery from 2016 indicates that that development site could be suitable to support these features, but no information has been submitted to allow an adequate determination to be made of the potential impacts on them.

The Bach y Graig Stream Section SSSI is located approximately 350m to the south of the proposed site.

No other national sites are located within 500m.

The Gorse Farm Local Wildlife Trust reserve is located approximately 300m to the south-west. The site is acknowledged to support Great Crested Newt and Otter among other wetland species and habitats.

No other local sites are located within 500m.

No ecological survey information has been submitted with the application, but there is a historical record of Japanese Knotweed adjacent to the development site in the roadside verge to the north from 2001.

The range of historic biodiversity records within and adjacent to the development site indicates that various protected and priority species could be affected by the proposed development. A Section 7 priority habitat (lowland heathland) could also be potentially affected. However, insufficient ecological information has been provided with this application to adequately determine its potential impact on biodiversity.

An extended Phase 1 habitat survey including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

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

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

The applicant should be mindful that in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Consultation response received 24/03/2017:

Thank you for sending through the additional information submitted in relation to planning application P/2016/1145.

The additional information submitted comprises a Preliminary Ecological Appraisal produced by Just Mammals LLP dated February 2017.

I have reviewed the submitted report and note that within Section 10. Recommendations of the report additional information has been identified as necessary:

- Section 10.1 – this section identifies that the creation of the access for the new site has potential to impact great crested newts and reptiles, great crested newts are European protected species and reptiles are protected against killing and injury under the Wildlife and Countryside Act 1981 (as amended). Section 10.3. states that survey effort for these species is not recommended as the habitat affected is only likely to be used for hibernation purposes – survey techniques for these species rely on the animals being active and could yield a false negative result. Whilst surveys are considered inappropriate the need to demonstrate that the proposed development can be undertaken in a manner that would not result in a negative impact to these species or their favourable conservation status – it is therefore considered that a detailed Reasonable Avoidance Method Statement for great crested newts and reptiles is required to be submitted prior to determination of the application.
- Section 10.2 – this section identifies that further survey work for bats must be carried out, the specific trees to be removed must be assessed in detail for their potential to provide roosting opportunities for bats - it is therefore considered that a bat survey of any mature trees affected by the proposed development and any associated infrastructure is required to be undertaken and the results and any necessary mitigation measures to be submitted prior to determination of the application.
- Section 10.4 – this section identifies the need for a Pollution Prevention Plan to be drawn up, this information could be secured through a planning condition, however as further information has been requested the provision of a Pollution Prevention Plan at this stage would avoid the need for a pre-commencement condition to be attached should planning permission be granted. I recommend that reference is made to the EA pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites; the EA

in England withdrew these documents as guidelines last year but they are still available and provide a useful reference source – I have provided a link to the document below
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412bwfe-e-e.pdf

- Section 10.6 – this section makes reference to biodiversity enhancement opportunities at the site, in accordance with PCC's Environment (Wales) Act 2016 Duty, TAN 5, PCC's Biodiversity SPG and UDP Policy SP3, a scheme of Ecological Enhancements should be secured as part of the application thus ensuring net biodiversity benefits (biodiversity enhancements) through the proposed development. The submission of a Biodiversity Enhancement Plan could be secured through a planning condition, however as further information has been requested the provision of information at this stage regarding the details and locations of any biodiversity enhancements to be provided would avoid the need for a pre-commencement condition.

Therefore in light of the additional information submitted it is considered that further information in the form of:

- Great Crested Newt and Reptile Reasonable Avoidance Method Statement
- Bat Survey and Mitigation Plan - for any mature trees impacted by the proposed development and associated infrastructure

This information is required to enable the LPA to assess the impacts of the proposed development to biodiversity – a material consideration in the planning process. This information is required prior to the determination of the application.

Consultation response received 09/07/17:

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2016/1145.

The additional information provided has been submitted to address to my previous consultation response dated 24th March 2017 where identified that the following information was required prior to determination of the application:

- Great Crested Newt and Reptile Reasonable Avoidance Method Statement
- Bat Survey and Mitigation Plan - for any mature trees impacted by the proposed development and associated infrastructure

In order to address this the following reports have been submitted:

- A Method Statement for Great Crested Newts produced by Just Mammals Consultancy LLP dated June 2017
- Ecological Survey Report produced by Just Mammals Consultancy LLP dated May 2017

I have reviewed the additional information submitted and I consider that the survey effort employed was appropriate and that the recommendations identified are appropriate, achievable and in accordance with National Guidelines. I consider that the additional information submitted is sufficient to enable the LPA to assess potential impacts of the proposed development to Biodiversity.

Due to the known presence of great crested newts in the local area further details regarding measures proposed to ensure no negative impacts to this species were requested. A great crested newt reasonable avoidance method statement has been identified this includes restrictions to timing of works, supervision of works by Ecological Clerk of Works, inclusion of amphibian underpass in new access road, provision of enhancements to compensate for the loss of potential great crested newt hibernation habitat and provision of replacement habitat to compensate for the loss of hedgerow required to accommodate the proposed access for the development site. It is recommended that these measures are secured through appropriately worded conditions.

In order to determine whether the proposed development would result in negative impacts to roosting bats surveys of mature trees affected by the proposed development were requested. Two mature trees are proposed to be removed to accommodate the new access, a surveys of these trees was undertaken in May 2017, no evidence of bat roosting was observed during the survey and the trees are not considered to support roosting bats. Whilst no bats were recorded roosting in the trees the report identifies that consideration will need to be given to the potential presence of nesting birds when undertaking works to the trees and the need for wildlife sensitive lighting as part of the proposed development to minimise impacts to foraging and commuting nocturnal wildlife in the local area.

Having reviewed the additional information submitted and survey results it is considered that the proposed development would not result in significant negative impacts to the biodiversity subject to adherence to the identified recommendations and mitigation measures.

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

The development shall be carried out strictly in accordance with the measures identified in Section F - Avoidance, Mitigation and Compensation Strategy of the Method Statement for Great Crest Newts produced by Just Mammals Consultancy LLP dated June 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

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

Prior to the commencement of development detailed plans regarding the Amphibian Underpass to be installed in the new access road shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter unless otherwise agreed in writing by the LPA.

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

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.

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

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

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

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

In addition I recommend inclusion of the following Informatives:

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

NRW

Thank you for referring the above consultation received by us on 14th December 2016.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Requirement 1 – An extended Phase 1 habitat survey is required to identify the habitats on and adjacent to the site and their potential to support protected species and invasive non-native species.

Great Crested Newts

No ecological reports have been provided with this planning application. There are records for Great Crested Newts and ponds within 250m of the proposal. We note that the LPA ecologist has provided comments on this proposal and we agree with the recommendations and further assessment required.

Pollution Prevention

As the development is near a water course a pollution prevention plan should be created and implemented to the satisfaction of the LPA.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance with PPG5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the netregs website:

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000653000.

Foul Drainage

We note that foul water disposal will be to mains sewer and that Dwr Cymru / Welsh Water have been consulted. They have advised that surface water must not be directed to the foul sewer network. Wherever practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into the design with the reserved matters application.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Consultation response received 15/09/2017:

Thank you for reconsulting NRW regarding the above application. Our response dated the 3rd of January is still valid.

Public Response

Following the display of a site notice and press advertisement, 11 representations (objections) have been received which make reference to the following:

- Dangerous, narrow access and surrounding pedestrian/vehicular network
- Forward visibility concerns.
- Increased usage of a narrow road.
- Misleading traffic survey figures
- Impact on bats
- Surface water on roads and flowing into the surrounding area
- A shortage of houses in Llandrindod Wells
- Proximity to the Town Centre.

Radnorshire Wildlife Trust

On behalf of Radnorshire Wildlife Trust I wish to object to this planning application.

There are a number of reasons for our concern including such a development - which would inevitably lead to further applications in future - pushing the current development boundary of Llandrindod Wells into what is currently open countryside.

Our chief concern is that this proposed development is within close proximity to a known great crested newt breeding pool on Cefnlllys Lane and the applicants should provide a thorough ecological assessment of the status of great crested newt on the site and a method

statement should the application ever be granted. The great crested newt and habitats surrounding their breeding sites are afforded legal protection under UK and EU legislation.

Without this vital information, we do not see how a determination can be made of this application by Powys County Council. Under Powys County Council's own Supplementary Planning Guidance (SPG) for biodiversity, surveys for great crested newt should be carried out at the appropriate time of year if they are to be considered by the planning officer(s) and local authority ecologist(s).

Planning History

-PR646500

Principal Planning Constraints

-Public Right of Way
-Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments

HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions
RL6 - Rights of Way and Access to the Countryside

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site adjoins a settlement development boundary. Policy HP4 states that ‘outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.’ It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

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

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

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

Sustainability

In considering the proposed development, Members are asked to consider whether the provision of four dwellings in this location is sustainable. This can relate to a wide range of matters including transport, education, shops and services.

It is noted that the proposed development is adjoining the settlement development boundary of Llandrindod Wells an Area Centre town. Llandrindod Wells has a range of facilities including several schools, shops, employment sites and banks and is therefore considered to be a sustainable location.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

The proposed development seeks to create a new access onto Cefynllys Lane. Powys County Council’s Highway Authority has been consulted on the proposed development and has stated that they have no objection in principle to the provision of a small scale residential development in this location.

Following the submission of further information, including the provision of a footpath the Highway Officer confirmed that this significantly improves the pedestrian link from the development site to the town. The Highway Officer confirmed that no further information was required and that should the application be approved, appropriately worded conditions should be attached to any granting of consent to secure an adequate access, visibility splays, parking and the provision of a footway.

In light of the above and subject to the attachment of appropriately worded conditions, the proposed development fundamentally complies with Policy GP4 of the Powys Unitary Development Plan (2010).

Appearance, Layout and Scale

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

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard and enhance protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

No ecological information was originally submitted in support of the application. The Council's Ecologist confirmed that following a search of the local biodiversity records database there were records of protected species within the vicinity of the site which included Great Crested Newt, badger, nesting birds (including Red Kite) and various bat species. The Ecologist also noted that the Bach y Graig Stream Section SSSI is located approximately 350m to the south of the proposed site. The Ecologist also noted the historical record of Japanese Knotweed adjacent to the development site. The Ecologist therefore recommended that additional information be submitted in order to assess the ecological impact. This has been supported by NRW.

Following the submission of the additional information the Ecologist confirmed that the proposed development would not result in significant negative impacts to the biodiversity subject to adherence to the identified recommendations and mitigation measures.

Therefore in light of the above and subject to the attachment of appropriately worded conditions in order to secure the implementation of the recommendations and mitigation measures the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Land Drainage

Policy DC13 of the Powys Unitary Development Plan (2010) states that development proposals will be permitted where: 1) they make adequate provision for land drainage and surface water disposal; 2) they would not adversely affect flood management or maintenance schemes; and 3) they would not give rise to unacceptable on or off site flooding.

It is noted that several public representations were made making concerns towards the existing land drainage scheme near the proposed development and the additional surface water drainage that would be created by the proposed development.

Powys County Council's Land Drainage Officer has been consulted on the proposed development and has stated that the site is within 20 metres of a watercourse which is classed as an Ordinary watercourse. However, the authority holds no historical flooding information relating to the development site. It is noted that there is a risk of localized surface water flooding to the adjacent public highway. Any proposed alteration or interference with the watercourse will require prior approval from the Lead Local Flood Authority. The Officer has stated that no buildings, structures, fences, planting or alteration of contours shall take place within 5 metres from the top of the bank of the existing watercourse. The development

should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed would not give rise to any unacceptable flooding impacts. Therefore the Land Drainage Officer has recommended that a Flood Consequence Assessment (FCA) should be submitted prior to determination in order to evaluate and assess any localised surface water flood risk.

Following the submission of a FCA the Land Drainage Officer has confirmed that having reviewed the document, the Lead Local Flood Authority finds that the conclusions of the report are acceptable and that any proposed culverting will require a separate consent under the terms of the Land Drainage Act 1991.

In light of the response from the Land Drainage Officer, it is considered that subject to conditions, flood risk can be managed to an acceptable level.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies.

The recommendation is therefore one of conditional approval.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 4631/2B & 4631/1B).
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The gradient of the access shall be constructed so as not to exceed 1 in 15 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.
7. 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.
8. No other development shall commence until the access hereby approved is 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9. No other development shall commence until the area of the access hereby approved to be used by vehicles is constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

10. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

12. 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.

13. 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.

14. No dwelling shall be occupied before the internal link footpath is fully constructed to a standard to be agreed in writing by the Local Planning Authority. The footpath shall be retained for its designated use for as long as the development hereby permitted remains in existence.

15. Prior to the occupation of any 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

16. 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.

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

18. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

19. The development hereby approved shall be carried out strictly in accordance with the measures identified in Section F - Avoidance, Mitigation and Compensation Strategy of the

Method Statement for Great Crest Newts produced by Just Mammals Consultancy LLP dated June 2017 and maintained thereafter.

20. Prior to the commencement of development detailed plans regarding the Amphibian Underpass to be installed in the new access road shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter.

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

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

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

Reasons

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

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

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

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

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

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

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

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

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

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

18. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.

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, 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.

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

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Informative Notes

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

Land Drainage

The proposed culverting of the Ordinary watercourse to form the new access will require the prior written consent from Powys County Council under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant Ordinary Watercourse Consent application forms and guidance should be sought from the County

Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to this watercourse.

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