



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

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

HC29 All surface water run-off is to be collected and discharged via a piped system within the site and shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway. This system shall be retained and maintained for as long as the development remains in existence.

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

In the interests of highway safety.

#### PCC - Building Control

No comments were received at the time of writing this report.

#### Wales and West Utilities

No comments were received at the time of writing this report.

#### Severn Trent

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

#### Ward Cllr

No comments were received at the time of writing this report.

#### PCC - Environmental Health

The proposal is to connect the foul drainage to the mains sewer system, therefore Environmental Protection has no objection to this application.

PCC - Ecologist

*Consultation Received 17/07/2017*

Thank you for consulting me with regards to planning application enquiry P/2017/0688 which concerns an outline application for a residential development of up to 2 no. dwellings, formation of vehicular access and associated works at Land adjacent Waen Meadows, Waen Trederwen, Llansantffraid-Ym-Mechain, Powys.

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

The data search identified 8 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

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

On reviewing streetview and aerial images of the area of the proposed development it appears to be an area of over grown semi-improved/improved grassland with a mature hedgerow boundary.

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

Phase 1 habitat survey

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

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

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

I note from aerial images that there are two large pools/ponds located either side of the proposed development sites, one being approximately 200m and the other approximately 350m from the proposed development site. A search for Great Crested Newt records within the wider area was undertaken and the nearest record for this species was found to be within 2km of the proposed development.

The proposed development may have potential to impact great crested newts - in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

Given the proposed development will involve alterations to the surrounding habitat in close proximity to the pond consideration should be given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts which are a European protected species.

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

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

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

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

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

### Tree and Hedgerow Protection Plan

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

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

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

In addition given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works. This information could be secured through a planning condition, however the submission of a Tree and Hedgerow Protection Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

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

#### Landscaping Planting Scheme

It is suggested in the planning statement and the proposed plans that the development will provide landscaping as part of the potential development - If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

#### Lighting

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

#### Biodiversity Enhancements

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

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

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

*Consultation Received 26/09/2017*

Thank you for consulting me with regards to additional information submitted for planning application P/2017/0688.

An extended Phase 1 habitat survey was requested 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 was also noted from aerial images that there are two large ponds located within 200m either side of the proposed development sites. Great crested newts can be found up to 1.2km from breed ponds. Therefore it was recommended that consideration should be given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts which are a European protected species.

An Ecological Assessment Report has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value. I have reviewed the Report produced by Star Ecology dated 24th August 2017, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 7th August 2017 to carry out an extended phase 1 habitat survey and great crested newt assessment.

The site for the proposed development formed part semi-improved grassland agricultural field and contained small areas of tall ruderal vegetation. The site is considered to have potential to be used by badgers, hedgehogs and bats for foraging and commuting purposes, by birds for nesting purposes in the vegetation boundary and reptiles were considered likely to be present.

Mitigation regarding the above named species has been detailed in section 7 of the ecological assessment report. The mitigation measures provided include workers on site induction, methods for preparation of site construction work including details of vegetation works, building material storage, excavation works waste material storage.

I consider the identified mitigation and method statement measures to be acceptable and recommend the implementation of these measures secured through an appropriate worded condition.

The presence of habitat connectively between the proposed development site and the ponds identified within 200m was assessed for its suitability to be used by great crested newts for migration/dispersal purposes. The two pond were also assessed for their habitat suitability to support great crested newts for breeding purposes (Habitat Suitability Index – HSI)

Pond 1 – 140m southeast of the proposed development site

The connectivity between the proposed development site and Pond 1 was considered to be not a direct link as residential properties and a roadway caused a barrier for dispersal. The pond at the time of the survey was dry and covered with grass. The HSI score: 0.32 considered the pond to provide poor habitat suitability for breeding for great crested newts.

Using the 'rapid risk assessment tool' by Natural England – it showed the proposed development would be 'highly unlikely' to impact great crested newts.

Pond 2 – 200m west of the proposed development site

The connectivity between the proposed development site and Pond 1 was considered to be good habitat provided by hedgerows. The pond at the time of the survey was dry and predominantly bare soil. The HSI score: 0.43 considered the pond to provide 'poor' habitat suitability for breeding for great crested newts. Using the 'rapid risk assessment tool' by Natural England – it showed the proposed development would be 'highly unlikely' to impact great crested newts.

Therefore, the site was considered unfavourable for great crested newts and the 2 ponds identified within 200m of the proposed development do not provide habitat suitable for great crested newts to use as breeding purposes. The report concluded that considering the scale and location of the development, no further great crested newt survey is considered necessary.

Given the identified mitigation measures I consider that the proposed development will not result in any negative impacts or loss of biodiversity at the proposed development site.

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features such as woodlands and tree lined water course suitable for mobile wildlife to forage and commute. 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 plans indicate that it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscape planting scheme is secured through an appropriately worded condition.

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

The mitigation measures identified in section 7 of the Ecological Assessment produced by Star Ecology dated 24 August 2017 shall be adhered to, implemented and maintained thereafter in full unless otherwise agreed in writing by the LPA.

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

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

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

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

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

### Natural Resources Wales

Thank you for consulting NRW regarding the above consultation. NRW agrees with the ecologists' comments made in the e-mail of 17/7/17 to yourself. NRW has no objection to the proposed development.

### PCC - Land Drainage

No comments were received at the time of writing this report.

### CADW

Thank you for your letter of 26 June 2017 inviting our comments on the additional information submitted for the above planning application.

### Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.

### Our role

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

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



## National Policy

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

PPW explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ.

It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

## CPAT

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

## **Representations**

Following the display of a site notice at the access to the junction of U2186 unclassified highway and access onto Waen Meadows to the south east of the application site, one public representations of objection has been received and is summarised as follows;

1. There is no mains sewage for these properties, neither will there be for the proposal of the new properties there is no mains sewage in the area, when the existing properties were built Powys County Council instructed a treatment plant which is located adjacent to Oaklands, Waen Meadows, Llansantffraid. There is also a soakaway pipe from the original existing property Plot 1, Waen meadows that runs behind the border of Hafod Las & Oaklands, Waen Meadows which leads into the field they propose to build on.
2. There is currently a Section 106 on all the properties that currently exist on the same plot of land, if your intention is to give full outline planning then we expect our properties Section 106's to be lifted.

3. We do not understand why they have requested permission for outline planning when the LPD has just rejected any plans on this land for a further 15 years?? We were advised that there would be no further developments on this land when we originally purchased.

## **Planning History**

SAM - nearest less than 1km

## **Principal Planning Constraints**

None as per GIS.

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (9th Edition, 2016)

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

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

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

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

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

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

### Local planning policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 - Housing Land Availability

HP4 - Settlement Development Boundaries and Capacities

HP5 - Residential Development

HP6 - Dwellings in the Open Countryside

HP14 – Sustainable Housing

DC1 – Access by Disabled Persons

DC3 – External Lighting  
DC8 – Public Water Supply  
DC10 - Mains Sewage Treatment  
DC13 – Surface Water Drainage

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

## **Officer Appraisal**

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

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

### Principle of Development

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

### Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

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

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

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5*

*year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Waen-Trederwen is defined in the UDP as a rural settlement. The Key Settlement of Llansantffraid is a short driving distance of 0.9 Kilometres to the north west of Waen-Trederwen which offers a range of facilities and services facilities including a primary school, village shop, community centre and public houses. It is also easily accessible by public transport with regular bus services to Oswestry.

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

### Scale, Design and Appearance

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

This application is submitted in outline with all matters reserved apart from access to be considered as part of this application process.

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 two dwellings proposed are to be detached two storey dwellings.

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 two dwellings 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 and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the dwelling to the southeast of the proposed site would be located approximately 20 metres distant from the nearest neighbouring residential property known as Oaklands. Although this is a relatively short distance this is the distance to the neighbouring property's attached garage, the indicative layout also shows that the dwelling is at an offset angle and it is considered that there is sufficient distance between the existing property and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of this neighbouring property.

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 retention of the existing trees around the edge of the site and proposes additional native species tree and hedgerow planting. 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 and adjacent to existing dwellings within the settlement, that landscaping measures would reduce the visual impact and that the proposed scale of two dwellings, 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.

The Highway Authority have been consulted on this application and following the receipt of amended plans have raised no objections to the development subject to the suggested

conditions listed above regarding entrance gates, parking provision and access construction methods and materials.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

### Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC10 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system.

This application states that the development will utilise the existing public foul sewerage system. As part of this application process our Environmental Health officers and Severn Trent have been consulted and they have raised no objection to the proposal. Severn Trent have stated that as the proposal has minimal impact on the public sewerage system they can advise they have no objections to the proposals and do not require a drainage condition to be applied.

Officers consider that the proposed development fundamentally complies with policy DC10 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

### Ecology and Biodiversity

As part of this application process our county ecologist and Natural Resources Wales has been consulted and has provided comments on the application.

Following the receipt of a phase 1 habitat survey the County Ecologist stated that they had no objections to the proposed development subject to the inclusion of the suggested conditions securing that the mitigation measures identified in the ecological assessment are adhered to, detailed lighting design scheme and a detailed landscaping scheme.

It is noted that landscaping 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 at this stage.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting and mitigation measures 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).

### 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 Llansantffraid is not identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Llansantffraid Ward reported that 19.8% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 21.4% of the population of Llansantffraid spoke Welsh. The development of two dwellings in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

### Public Representation

It is noted that public representations were received at the time of writing this report. Whilst it is considered that some of the concerns raised have already been addressed in the report above there are still some outstanding concerns which will be addressed as follows:

Mains sewage – Issues have been raised with regards to lack of mains sewerage in the area, however following the comments from Severn Trent as mentioned above they have not raised any concerns with regards to connecting to the existing system.

Section 106 – Due to the lack of housing land supply as previously mentioned the need to increase housing land supply should be given considerable weight.

Site not to be considered as an allocated site – The field in which the site is located was put forward as a candidate site for the Powys Local Development Plan, however was rejected as the location unsuitable for large scale housing. The proposed development is for two dwellings and it is considered that the smaller scale of development could be considered as sustainable.

### **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**

Subject to future consideration of the design and the implementation of landscaping measures, it is considered that the proposal would not result in an unacceptable adverse impact upon the surrounding landscape or public vantage points or the amenities enjoyed by the occupants of neighbouring properties. In addition, subject to the use of conditions, the proposal would make adequate provision for surface water flood risk and drainage, highway access and parking.

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 any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
6. 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.
7. All surface water run-off is to be collected and discharged via a piped system within the site and shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway. This system shall be retained and maintained for as long as the development remains in existence.
8. No storm water drainage from the site shall be allowed to discharge onto the county highway.
9. The mitigation measures identified in section 7 of the Ecological Assessment produced by Star Ecology dated 24 August 2017 shall be adhered to, implemented and maintained thereafter in full.
10. Prior to the first use of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

## **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.
9. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
10. 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.

## **Informative Notes**

### Building Control

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

### Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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](mailto:enquiries@bats.org.uk).

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