

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0103	Grid Ref:	291873.94 251225.81
Community Council:	Treflys	Valid Date:	Officer: 25/01/2018 Thomas Goodman
Applicant:	Mr G Walker, H & W Developments, 9 Broad St, Builth Wells, Powys, LD2 3DT		
Location:	Land Opp The Walk, Beulah, Llanwrtyd Wells, Powys		
Proposal:	Reserved matters in respect of approved planning permission P/2015/0039		
Application Type:	Application for Approval of Reserved Matters		

The reason for Committee determination

Cllr Van-Rees has called the application in to be determined at Committee.

Site Location and Description

The proposed development is not located within a defined settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018).

To the north of the application site runs the A483 trunk road which also forms the site boundary to the west, to the east of the application site planning permission has been granted for residential development, which has not yet commenced and to the south of the application site is agricultural land.

The proposed development seeks approval for the reserved matters details which include access, appearance, landscaping and scale. The proposed development seeks consent for the erection of 21 residential dwellings which comprise of 4 three bedroom semi-detached dwellings, 12 three bedroom detached dwellings and 5 four bedroom detached dwellings.

The 21 proposed dwellings comprise of 10 altering designs:

Plots 1 and 22 (4 bed) with detached garage will measure approximately:

10.25 metres in length by 7.6 metres in width, 7.25 metres to ridge height and 4.65 metres to the eaves. The plots will be finished in render and brick under a slate roof.

Plot 2 (3 bed) will measure approximately:

10.1 metres in length by 8.85 metres in width, 7.1 metres to ridge height and 4.7 metres to the eaves. The plots will be finished in brick under a slate roof.

Plots 3 and 4 (3 bed) will measure approximately:

10.1 metres in length by 8.7 metres in width, 7.3 metres to ridge height and 4.75 metres to the eaves. The plots will be finished in brick under a slate roof.

Plots 5, 10, 11 and 18 (3 bed) will measure approximately:

10.1 metres in length by 8.85 metres in width, 7.3 metres to the ridge and 4.7 metres to the eaves. The plots will be finished in render and bricks under a slate roof.

Plots 6 and 24 (4 bed) will measure approximately:

13.8 metres in length by 9.2 metres in width, 7.65 metres to ridge height and 4.65m to the eaves. The plots will be finished in brick under a slate roof.

Plot 7 (3 bed) will measure approximately:

10.1 metres in length by 9.8 metres in width, 7.4 metres to ridge height and 4.75 metres to the eaves. The plots will be finished in brick under a slate roof.

Plots 8 and 9 (3 bed) will measure approximately:

10.1 metres in length by 8.65 metres in width, 8.05 metres to the ridge height and 4.7 metres to the eaves. The plots will be finished in brick under a slate roof.

Plots 15 and 19 (3 bed) will measure approximately:

10.1 metres in length by 9.75 metres in width, 7.3 metres to the ridge height and 4.8 metres to the eaves. The plots will be finished in render and brick under a slate roof.

Plots 16, 17, 20 and 21 (3 bed) will measure approximately:

10.1 metres in length by 8.85 metres in width, 8.05 metres to the ridge height and 4.7 metres to the eaves. The plots will be finished in brick under a slate roof.

Plot 23 (4 bed) will measure approximately:

16.35 metres in length by 7.15 metres in width, 7.25 metres to the ridge height and 4.7 metres to the eaves. The plots will be finished in render and brick under a slate roof.

Consultee Response

Treflys CC

No response received at the time of writing this report.

PCC Highways

Consultation response received 20/02/2018

The County Council as Highway Authority

Wish the following recommendations/Observations be applied:

Recommendations/Observations

This site is served direct from the A483(T) trunk road which is under the jurisdiction of Welsh Government; the suitability of the proposed vehicular access with the A483 and the adequacy of the pedestrian links to and from the site are therefore a matter to be considered and determined by the Welsh Government.

Whilst the Internal site layout is generally in line with Powys County Council adoptable design parameters there are a number of matters that need to be addressed before the application is determined.

Notwithstanding the information submitted on the drawing supplied by JNM Engineering, it is considered that insufficient information has been supplied to date to demonstrate that appropriate internal access road gradients and a suitable surface water drainage scheme can be provided. The proposals do not include a longitudinal drawing detailing the internal access road vertical alignment or the longitudinal gradients and cover levels for the proposed surface water system. This information should be submitted at this stage. The applicant is also strongly recommended to consult with the adopting body (Welsh Water) over the suitability of the proposed drainage system.

Finally whilst the proposed level of parking offered is in line with CSS Wales Parking Standards, the proposed drive lengths fronting the garages will need to be lengthened to provide a clear 6mt length which will facilitate access to the building whilst ensuring cars are parked clear of the highway/footway.

I trust these matters will be addressed before this application is determined.

Consultation response received 16/04/2018:

I have reviewed the submitted information and am generally satisfied with the content. I would however point out that the drive lengths fronting the “adoptable” estate road are still not a minimum of 6m long. This will need to be revised before I am able to recommend appropriate conditions to the LPA.

Consultation response received 18/04/2018:

Having reviewed the additional information, I am now satisfied that an acceptable highway layout and surface water drainage scheme can be provided. This is of course subject to the submission of, and the agreement of, further engineering detail for Section 38 purposes.

Please ensure that the following conditions are attached to any consent granted.

- 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 as detailed on the approved drawing J01751/A1/001. The parking areas shall be retained for their designated use in perpetuity.

- The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
- No building shall be occupied before the estate road carriageway and one footway shall be constructed to 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.
- The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
- The area of each private drive/parking space shall be a minimum of 6m long and shall be metalled and surfaced in bituminous macadam, concrete, or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

PCC Building Control

No response received at the time of writing this report.

Wales and 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.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

The principle of the onsite and offsite drainage proposals as indicated on drawing J01751/A1/001 are considered acceptable, on the basis surface water flows are discharged to a watercourse, and foul flows are discharged to the public foul only sewer located in the main road north of the development site. However, please note the applicant has not gained approval under Section 104 of the Water Industry Act 1991, and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this adoption process.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

PCC Ecologist

Consultation response received 16/03/2018:

Sources of Information:

No ecological information has been submitted in support of this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The proposals approved under P/0005/0184 involve an outline application for housing development and trunk road access. The site appears to consist of an improved grassland field bounded by a fence and A483 to the north, a tree-lined boundary to the south and sparsely tree-lined fence to the east. This application is for Reserved Matters, which consist of technical drawings submitted in support of the proposal. My ecological observations below relate to the drawings involving the proposed site layout only (ref: 17/020/TCP01 and 04), rather than those pertaining to the architectural design of each dwelling.

Summary of historical species records:

Protected and Priority Species recorded within approximately 1km include Otter, Badger, Common Lizard, Hedgehog, Polecat, Atlantic Salmon, Brown/Sea Trout, Eel, Common Toad and various bat and bird species. There are no historical biodiversity records from the site itself.

Protected Species/Habitats:

The site proposed for development does not appear to have significant potential to support protected species, consisting of improved grassland, and no vegetation clearance would appear to be required. However, the tree-lined boundary to the south, which connects with a small broadleaved woodland to the south-east, could provide suitable resting and foraging habitat for various protected species including badger, hazel dormouse, bats and nesting birds.

Considering the close proximity of this boundary to the development and the potential for protected and priority species to be adversely affected by disturbance a Preliminary Ecological Appraisal will need to be undertaken to identify this habitat's 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 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).

Since the southern tree-lined boundary could provide suitable foraging habitat for bats and other nocturnal species, I recommend that a sensitive lighting plan including measures to avoid and/or minimise adverse impacts of new lighting on nocturnal species is submitted for the Local Planning Authority's approval prior to commencement of works.

Priority and LBAP Species/Habitats:

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.

The tree-lined boundary to the south appears to have potential to support various priority species, including hedgehog, polecat and nesting birds. The PEA discussed above should therefore also consider potential impacts upon priority species and habitats.

The Site Plan and Finishes drawing (ref: 17/020/TCP01) indicates at least three dwellings and a garage being located in close proximity and potentially within the root protection zone of trees within the boundary at the southern edge of the site. 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. I recommend that these trees and their roots are protected during the works in accordance with BS5837:2012.

The Site Plan and Finishes drawing (ref: 17/020/TCP01) indicates the proposed locations of native species trees to be planted within the site. Such native species planting would be welcomed as a site biodiversity enhancement.

The same drawing also refers to proposals to manage, thin and lay existing hedges and plant new ones where gaps are evident, with a mix of locally-occurring species. Such measures would be welcomed as a biodiversity enhancement of a Section 7 habitat, particularly along the eastern boundary, although laying of the hedges would not appear to be appropriate at this location. New planting should consist of locally-occurring, native species. A landscaping and management plan should be provided to the local planning authority for approval prior to works commencing.

As a biodiversity enhancement measure I recommend that bat and bird boxes (such as Swift nest boxes and House Martin nest cups) are incorporated within the design of the proposed dwellings.

Non-native Invasive Species:

It is not possible to comment on whether non-native invasive species are present from the information provided. Based on the current Google Streetview images of the site this

appears unlikely considering the extent of improved grassland present, but this should be confirmed by the PEA discussed above.

Designated Sites for Nature Conservation:

The Afon Gwy SAC and Afon Irfon SSSI are located approximately 200m to the east along the Afon Cammarch. Considering the distance of these sites from the proposals, the presence of a field, houses and the A483 between the proposals and the sites there are not considered likely to be any adverse effects upon these sites as a result of the proposals.

The Llwyn-Cus SSSI is located approximately 680m to the south-east and therefore unlikely to be affected by the proposals.

Further information required prior to determination of application:

It is not possible to determine the potential impact on protected and priority species that may utilise the tree-lined boundary which connects to a small woodland to the south of the site. A Preliminary Ecological Appraisal will therefore need to be undertaken to identify this habitat's potential to support protected and priority 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 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).

Recommendations:

As a biodiversity enhancement measure I recommend that bat and bird boxes (such as Swift nest boxes and House Martin nest cups) are incorporated within the design of the proposed dwellings.

Subject to receipt of the PEA report and associated mitigation measures if required, I recommend that the observations provided above are secured by the following conditions.

Recommended Conditions:

Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:

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 scheme details.

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 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, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of 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.

Prior to commencement of development, a Biodiversity Enhancement Plan 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 ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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.

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 2017 that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse 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 2017

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 2017 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

Consultation response received 22/03/2018:

Sources of Information:

No ecological information has been submitted in support of this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The proposals approved under P/0005/0184 involve an outline application for housing development and trunk road access. The site appears to consist of an improved grassland field bounded by a fence and A483 to the north, a tree-lined boundary to the south and sparsely tree-lined fence to the east. This application is for Reserved Matters, which consist of technical drawings submitted in support of the proposal. My ecological observations relate to the drawings involving the proposed site layout only (ref: 17/020/TCP01 and 04), rather than those pertaining to the architectural design of each dwelling.

Summary of historical species records:

Protected and Priority Species recorded within approximately 1km include Otter, Badger, Common Lizard, Hedgehog, Polecat, Atlantic Salmon, Brown/Sea Trout, Eel, Common Toad and various bat and bird species. There are no historical biodiversity records from the site itself.

Protected Species/Habitats:

It is considered that matters relating to protected species and habitats would have been addressed at the outline application stage and I therefore have no further comment to make on this at the Reserved Matters stage.

Priority and LBAP Species/Habitats:

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.

The Site Plan and Finishes drawing (ref: 17/020/TCP01) indicates at least three dwellings and a garage being located in close proximity and potentially within the root protection zone of trees within the boundary at the southern edge of the site. 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. I recommend that these trees and their roots are protected during the works in accordance with BS5837:2012.

The Site Plan and Finishes drawing (ref: 17/020/TCP01) indicates the proposed locations of native species trees to be planted within the site. Such native species planting would be welcomed as a site biodiversity enhancement. The same drawing also refers to proposals to manage, thin and lay existing hedges and plant new ones where gaps are evident, with a mix of locally-occurring species. Such measures would be welcomed as a biodiversity enhancement of a Section 7 habitat, particularly along the eastern boundary, although laying of the hedges would not appear to be appropriate at this location. New planting should consist of locally-occurring, native species. A landscaping and management plan should be provided to the local planning authority for approval prior to works commencing.

Non-native Invasive Species:

Based on the current Google Streetview images of the site this appears unlikely considering the extent of improved grassland present.

Designated Sites for Nature Conservation:

The Afon Gwy SAC and Afon Irfon SSSI are located approximately 200m to the east along the Afon Cammarch. Considering the distance of these sites from the proposals, the presence of a field, houses and the A483 between the proposals and the sites there are not considered likely to be any adverse effects upon these sites as a result of the proposals.

The Llwyn-Cus SSSI is located approximately 680m to the south-east and therefore unlikely to be affected by the proposals.

Further information required prior to determination of application:

None.

Recommendations:

As a biodiversity enhancement measure I recommend that bat and bird boxes (such as Swift nest boxes and House Martin nest cups) are incorporated within the design of the proposed dwellings.

Recommended Conditions:

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

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, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of 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.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 2017 that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse 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 2017

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 2017 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

Welsh Government Transport

Consultation response received 26/04/2018:

I refer to your consultation of 5th April 2018 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

The applicant must provide a detailed drawing of the access layout in line with the conditions imposed under application B/0005/0184.

Consultation response received 04/05/2018:

I refer to your consultation of 05/04/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

1) The new junction layout with the trunk road and visibility splay requirements shown on drawing J01751/A1/006, will be constructed in accordance with conditions 7 -9 of planning consent ref B/0005/0184.

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

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

NRW

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Cllr T Van Rees

Calling In of Planning Application P/2018/0103

As Elected Member for Llanwrtyd Wells and District, I wish to call in the above Planning Application.

I give the following reasons for calling in this Planning Application at the request of a number of Members of Treflys Community Council.

1. The proposed development comprises of 3 and 4 bedroom houses. The demand for this sort of accommodation in the area is minimal.
2. Insufficient provision for low cost housing has been made.
3. The proposed layout is unacceptable.
4. The existing sewage and water facilities are inadequate.
5. Portions of the site have flooded in recent memory.
6. Number of houses proposed are disproportionate to the existing housing stock in Beulah.

Representations

Following the display of a site notice and press advertisement, no public representations have been received at the time of writing this report.

Planning History

B/05/0184 – Outline application for housing development and trunk road access. Conditional Consent 02/02/2010.

P/2015/0039 – Variation of Condition: Variation of condition 1 of planning approval B/05/0184 to allow time for submission of an application for approval of reserved matters. Conditional Consent. 12/08/2015

VAR/2017/0007 – Application to remove Section 106 legal obligation attached to planning permission B/05/0184 (occupancy restriction). Consent for discharge/modification of 106 Agreement – 16/05/2017.

Development site adjoining the proposed development to the east:

B/00/0099 – Outline application for residential development – 13/09/2000

B/04/0286 – Variation of Condition 1 of Outline Planning Permission for residential development and extend the consent for a further 5 years.

B/05/0144 – Erection of 10 (4-bed) houses and 5 (affordable needs) houses at Plot OS470, opposite P.O., Beulah, Powys.

P/2012/0317 - Variation of condition 2 of B/05/0144 to vary the time limit for submission of reserved matters to 07/01/2014 – Planning Permission granted subject to S106 – 14/08/2012

P/2017/0870 – Section 73 application to vary condition 3 of planning approval P/2012/0317 to extend the time limit for the commencement of development – Conditional Consent – 23/10/17

Principal Planning Constraints

Flood Zone B

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

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

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

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

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

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

Local planning policies

Powys Local Development Plan (2018)

SP1 – Housing Growth

SP3 – Affordable Housing Growth

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM1 – Planning Obligations

DM2 – The Natural Environment

DM4 – Landscape

DM13 – Design and Resources

H1- Housing Development Proposals

H3 – Housing Delivery

H4 – Housing Density

H5 – Affordable Housing Contributions

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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 principle of development as to whether residential development is appropriate in this location has already been considered and approved under the outline planning permissions B/05/0184 and P/2015/0039. This application seeks consent for the details reserved by the outline planning consent for the access, appearance, landscaping, layout and scale.

Design, Landscape and Appearance

The Powys Local Development Plan policy H3 and DM13, TAN 2 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a good design and have consideration to its surroundings. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy H3 states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs and is supported by policy DM13 of the Powys Local Development Plan which states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

In this instance the proposed development seeks consent for 21 dwellings with 10 differing designs. The mix of dwelling design is welcomed and broadly complies with policy H3 of the Powys LDP by providing a mix of housing designs and housing type, which includes 3 and 4 bedroom houses with some of the plots incorporating garages into the dwelling and others with detached garages.

Policy DM13 specifically states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. The development must also contribute towards the preservation of local distinctiveness and sense of place.

The site is located to the south of the A483 trunk road and to the west of an agricultural field that has had permission granted for 15 dwellings. The majority of the built environment that forms the small village of Beulah is to the north of the A483 trunk road. Beulah consists of a number of bungalows, terraced properties, semi-detached properties and detached properties of varying sizes that are constructed in render, brick and stone.

The proposed development site is located to the south of the A483 upon a relatively flat parcel of land. The proposed development will see the construction of 21 two storey dwellings which include 4 semi-detached properties. The dwellings will have a height range of approximately 7.1 metres in height to 8.05 metres in height. It is considered that given the topography of the land and the adjoining development scheme, the 2 storey dwellings will not be seen as out of place and will assimilate into the surrounding landscape. It is noted that the residential development will be set back from the A483 in order to provide the required visibility splays, as a result of this, there is approximately 25 metres from the A483 trunk road to the line of the external walls of the proposed dwellings. This provides a mirroring effect to the area to the north of the A483 where there is an area of open space between the properties and the trunk road. It is noted that the proposed layout includes the provision of 2 private courtyards which consist of block pavements. It is considered that the private driveways finished in block pavements provide an element of softness to the proposed development.

It is noted that a couple of the plots exceed 0.05 hectares per dwelling and is located within a designated small village. Plot sizes should be restricted to 0.05 hectares per dwelling in small villages, however, as the proposed development has already gained outline consent, exceeds 5 dwellings and is not considered as infill development it is considered that the proposed plot sizes broadly comply with planning policy. It is considered that the design and scale of the proposed dwellings are of a moderate size and provide a mix of dwelling types to complement the built environment. Furthermore the dwellings have been proposed to be finished in brick and render to complement the existing surrounding dwellings and integrate into the built environment. However, it is unclear as to the shading of the bricks and therefore an appropriately worded condition will be attached in order to ensure that an appropriate colour of brick is used. In light of the above and subject to the attachment of an appropriately worded condition, it is considered that the proposed development would not detrimentally impact upon the character of the surrounding area in terms of the dwellings appearance, scale, height and design detailing and complies with policy H3 and DM13 of the Powys LDP (2018).

Policy DM4 relates to development proposals and the impacts of them upon the Powys landscape. Policy DM4 only relates to proposals for new development outside of settlements, given that the proposed development is positioned on the edge of the small village of Beulah, consideration in this instance has been given to the impact the proposed development has on the Powys landscape. Given the location of the proposed development set back from the A483 trunk road providing an element of mirroring with the open space to the north and the topography of the land it is considered that the proposed development will naturally blend into the built environment. Furthermore additional landscaping which includes the planting of

hedgerows and trees including species such as hawthorn, hazel, holly, oak, cherry, rowan and guelder rose is to be planted along the boundaries to further aid in blending the proposed development into the surrounding landscape.

It is therefore considered that the proposed development would not have a detrimental impact upon Powys' landscape and complies with policy DM4 of the Powys LDP.

Highway Safety

Policy DM13 part 11 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

The proposed access forms onto the A483 trunk road and therefore as well as Powys County Council's Highway Authority the Welsh Government Trunk Road Agency (TRA) have been consulted. Powys' Highway Authority has been consulted to consider the internal road layout as well as the parking areas. The Officer initially stated that whilst the internal layout was generally acceptable and in line with adoptable design parameters there were a number of matters that needed to be addressed. The Officer stated that there was insufficient information to demonstrate that appropriate internal access road gradients and a suitable surface water drainage scheme could be provided. The proposal also did not contain longitudinal drawing details, the internal access road vertical alignment, longitudinal gradients, lengthening of driveways in front of garages to provide 6 metres in length and cover levels for the proposed surface water system all of which are required prior to determination.

Following the submission of additional detail, the Highway Officer was re-consulted and stated that they were now satisfied that an acceptable highway layout and surface water drainage scheme could be provided subject to the attachment of appropriately worded conditions which would ensure that the internal estate road and footpaths are constructed to an agreed standard as well as providing adequate levels of parking per dwelling.

The TRA were consulted regarding the proposed access onto the A483 trunk road. The TRA initially recommended that planning permission is not granted as there is insufficient information to determine the application. The TRA recommended that detailed drawings be submitted to demonstrate the access layout.

Following the submission of additional information, the TRA were re-consulted who confirmed that the additional information was adequate and recommended that should planning permission be granted that an appropriately worded condition be attached to any granting of consent. The conditions would ensure that the new junction layout and visibility splays are constructed to an appropriate standard.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development would not have a detrimental impact upon highway users. The proposed development therefore complies with policy DM13 of the Powys Local Development Plan (2018).

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. The amenities enjoyed by occupiers of neighbouring properties was considered under the outline planning consent, however, given that the layout plan has now been submitted, consideration is given to this element again. The nearest neighbouring properties to the development site are located to the north and north west and are approximately 50 metres from the nearest dwelling proposed within the development site. Given the A483 trunk road and the area of open space located between these residential properties and those of the proposed development it is considered that the proposed development would not have a detrimental impact upon the amenities enjoyed by occupiers of neighbouring properties.

The Natural Environment

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development as it has potential to impact upon a natural environment asset. It is noted that within 1km of the development site there are records of protected and priority species which include otter, badger, common lizard and Atlantic salmon, however, there are no historical records for the site itself. The Ecologist has stated that the site does not appear to have significant potential to support protected species which includes improved grassland, it is also noted that no vegetation clearance would be required. The Ecologist initially requested the submission of a Preliminary Ecological Appraisal due to the potential of the proposed development to effect the small broadleaved woodland to the south-east which could provide suitable resting and foraging habitats for various protected species. This, however, would have been considered when determining the outline consent and is not a consideration for the reserved matters. The native tree species and hedgerows to be planted within the site have been welcomed by the Ecologist and are seen as a biodiversity enhancement.

The Afon Gwy SAC and Afon Irfon SSSI are located approximately 200 metres to the east along the Afon Cammarch. The Ecologist has stated that given the distance of these sites from the proposal, the presence of a field, houses and the A483 trunk road between the sites it is considered not likely to adversely effect upon a designated site.

The Ecologist has noted the close proximity of 3 dwellings and a garage to the area of woodland and would potentially be within the root protection zone of trees. Given the proximity of development works to surrounding trees and hedgerows the Ecologist has stated that an appropriately worded condition will be attached to the granting of any consent to secure a tree and hedgerow protection plan. The trees and hedgerows to be planted are noted and it is recommended that a condition be attached to ensure that the trees and hedgerows are maintained in the future.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development would not have a detrimental impact upon a

natural environment asset and complies with policy DM2 of the Powys Local Development Plan (2018).

RECOMMENDATION

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 17/020/TCP04 B, JO1751/A1/001, 17/020/TCP14, 17/020/TCP15, 17/020/TCP13, 17/020/TCP12, 17/020/TCP11, 17/020/TCP10, 17/020/TCP08, 17/020/TCP02, 17/020/TCP07, 17/020/TCP06, 17/020/TCP05, 17/020/TCP01, 17/020/TCP09A & 17/020/TCP03).
3. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Prior to commencement of 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.
5. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
6. 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 as detailed on the approved drawing JO1751/A1/001. The parking areas shall be retained for their designated use in perpetuity.
7. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
8. No building shall be occupied before the estate road carriageway and one footway shall be constructed to 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.
9. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
10. The area of each private drive/parking space shall be a minimum of 6m long and shall be metalled and surfaced in bituminous macadam, concrete, or block pavements, prior to

the occupation of that dwelling and retained for as long as the development remains in existence.

11. The access road shall be at right angles to the trunk road carriageway for a distance of at least 25 metres from the trunk road boundary, over which it shall not exceed a gradient of 2.5% (1 in 40).

12. The minimum visibility distances available for vehicles emerging from the proposed access/junction shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the carriageway of the trunk road. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centre line of the access road, and at all intervening points up to the running edge of the trunk road carriageway. The visibility splays so formed shall be free of any growth or obstruction which would interfere with the minimum visibility requirement.

13. The access road shall have a width of between 6.0 and 7.3 metres for the first 25 metres, with an entry and exit radii of 10.0 metres. The access shall be constructed to the requisite standards with either concrete or bituminous surfacing for at least the first 25 metres from the running edge of the trunk road carriageway.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies DM13 of the Powys Local Development Plan and the Councils Residential Design Guide.
4. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
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6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
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Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 2017 that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse 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 2017

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 2017 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

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