

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 18/0228/OUT  
**Grid Ref:** E: 323851  
N: 316649  
**Community Council:** Llandrinio and Arddleen  
**Valid Date:** 11.07.2018  
**Case Officer:** Louise Evans

**Applicant:** Mr & Mrs Pritchard

**Location:** Land Adj Hendre View, Penrhos, Llanymynech, Powys, SY22 6QE

**Proposal:** Outline: Erection of an affordable dwelling, garage and all associated works

**Application Type:** Outline planning

### The reason for Committee determination

At the request of the Lead Professional of Development Management

### Consultee Responses

Consultee	Received
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Community Council

No response

Wales & West Utilities - Plant Protection

No response

PCC-Environmental Health

21st Aug 2018

Environmental Protection has no objection to the proposal for a package sewage treatment plant with discharge to watercourse, subject to consent/exemption from Natural Resources Wales for the discharge.

## PCC-Ecologist

Thank you for consulting me with regards to planning application P/2018/0709 which concerns an outline application for the erection of an affordable dwelling, garage and all associated works at land adjacent to Hendre View, Penrhos, Llanymynech.

I have reviewed the proposed plans submitted with the application as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 32 records of protected and priority species within 500m of the proposed development, with no records found for the site itself. Species recorded within 500m of the proposed development include great crested newt and house sparrow.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

The proposed development would impact areas of improved grassland considered to be a habitat of low ecological value and hedgerow which is considered to be of high ecological value.

### Extended Phase One Habitat Survey

I have reviewed the Extended Phase One Habitat Survey produced by Arbour Vitae dated June 2018. The survey undertaken included a desk top study and a site survey. I consider that the survey methods and effort employed were in accordance with current National Guidelines.

I note that there are records of great crested newts within 340m of the proposed development consideration has been given to the suitability of the habitats present and affected by the proposed development to support Great Crested Newts – Great Crested Newts being a European Protected Species. I also note that there are a number of ponds located to the south west of the proposed development.

The Phase One Habitat Survey has identified the need for Reasonable Avoidance Measures (RAMS) to minimise or avoid risk to great crested newts. In addition it has been advised that any hedgerow removal is to be overseen by an Ecological Clerk of Works and to be undertaken during the active newt season to avoid the sensitive hibernation period. In addition to the need for RAMS to be implemented with regards to great crested newts it has also been suggested to adopt appropriate RAMS when considering hedgehogs and reptiles during any hedgerow removal.

Therefore should you be minded to approve the application I recommend that a worded planning condition is included to secure the submission of a detailed Reasonable Avoidance Measures Strategy (with regards to great crested newts, hedgerow removal,

hedgehogs and reptiles) prior to the commencement of the development.

The survey also outlines recommendations for protected species including the provision of bat and bird boxes to compensate for any loss of habitat due to the identified hedgerow removal.

#### Hedgerow Replacement Plan

The Phase One Survey Report indicates that approximately 25m of hedgerow will be removed as part of the development. Powys LDP Policy DM2 states that:

‘Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage’

LDP Policy DM2 part 3, make reference to Powys LBAP habitats and species which include hedgerows 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’.

LDP policy DM2 part 2 identified the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required.

It is noted that it has been identified under Section 6: Mitigation and Enhancement of the submitted ecology report that the 25m of hedgerow that will be lost through the proposed development will be replaced by 45m of new species rich hedgerow along the eastern boundary of the proposed development – recommendations have been made regarding appropriate native species to reflect those present in the local area.

The identification of new hedgerow planting is welcomed and would provide both compensation for the section of hedgerow required to be removed as well as providing biodiversity enhancement – in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016 – from the proposed development.

It is recommended that a suitably worded planning condition is included to secure the submission of a detailed hedgerow replacement and aftercare scheme prior to the commencement of the development.

#### Wildlife Sensitive Lighting Plan

Given the rural location of the proposed building careful consideration will need to be given to any external lighting proposed to be erected on the building. If external lighting is proposed then 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.

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

No development shall take place (including any ground works or site clearance) until a detailed Reasonable Avoidance Measures Strategy for the protection of great crested newts, hedgehogs and reptiles has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 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 Hedgerow Replacement Planting and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of new hedgerow planting 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 LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

## Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

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

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

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

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

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

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

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

## Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Hafren Dyfrdwy

No response

PCC-(N) Highways

2nd Aug 2018

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

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

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

permitted remains in existence.

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

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

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

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

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

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

PCC-Rights of Way

21st Aug 2018

Thank for consulting Countryside Services on the above application.

This application appears to be the amended version of P/2017/1180 previously submitted. At that time there was an objection because the proposed garage site would have obstructed a Public Right of Way (Footpath 54) within the boundary of the site on the western side. Subsequent amended plans addressed this concern.

It is noted that in this latest application the public right of way is acknowledged on the

plans and that no proposed buildings would be sited on it. A width of a minimum of 1.5m must be protected for the right of way throughout the site. It must not be obstructed.

Powys Ramblers Association

21st Aug 2018

Powys Ramblers do wish to comment on this application please.

Although this is an outline application it is very disappointing that the applicant has not marked the right of way which runs inside the western boundary hedge of the development site. Neither is there any reference to it in the design and access statement. It looks as though the garage and turning area will be very close to the footpath which will be in the proposed garden area. This could result in privacy issues for the occupants of the new dwelling.

Can the applicant please be required to submit a revised location plan with the right of way marked and to set out how it is going to make sure that the footpath is not adversely affected by the proposed development. We would, of course, be happy to comment further upon receipt of further information about this matter from the applicant.

### **Public Responses**

A site notice was displayed from the 23.08.2018 and no representations have been received.

### **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/2017/1180	Outline: Erection of 1 no. detached dwelling (affordable) and garage, installation of septic tank and all associated works (some matters reserved)	Refused	30th May 2018

### **Principal Planning Constraints**

Public right of way

### **Principal Planning Policies**

National Planning Policy



Planning Policy Wales (Edition 10, 2018)

TAN 2 - Planning and Affordable Housing (2006)  
TAN 5 - Nature Conservation and Planning (2009)  
TAN 6 - Planning for Sustainable Rural Communities (2010)  
TAN 12 - Design (2016)  
TAN 18 - Transport (2007)  
TAN 23 – Economic Development (2014)  
TAN 24 – The Historic Environment (2017)

### Local Planning Policy

Powys Local Development Plan (2018) (LDP)

DM2 – The Natural Environment  
DM4 – Landscape  
DM7 – Dark Skies and External Lighting  
DM13 – Design and Resources  
SP1 – Housing Growth  
SP5 – Settlement Hierarchy  
SP6 – Distribution of Growth across the Settlement Hierarchy  
SP7 - Safeguarding of Strategic Resources and Assets  
T1 – Travel, Traffic and Transport Infrastructure

### **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**

#### Background

This application is a resubmitted scheme following the refusal of P/2017/1180 in May 2018. That application was submitted under the Unitary Development Plan but was determined under the Local Development Plan that was adopted in April 2018. The crux of the matter being that the adoption of the Local Development Plan altered the council's position on developments within rural settlements, and, specifically, what constitutes a rural settlement. Previously rural settlements were named within the plan but now there is a criteria based approach.

#### Policy Context

The settlement hierarchy set out within Strategic Policy SP5 of the LDP comprises towns, large villages, small villages, rural settlements and open countryside. Rural settlements are not listed but must be historically recognised/named settlements and contain at least 10 closely grouped dwellings, the count of which shall not include farmhouses, rural conversions or dwellings originally granted under exception policies (affordable dwellings and rural enterprise dwellings)

Strategic Policy SP6 establishes the distribution of housing in accordance with the settlement strategy, the level of service provision and size, and subject to its capacity to accommodate sustainable growth. Policy SP6 sets out that the lowest proportion (no more than 15%) of new development required over the Plan period will be directed to rural settlements and open countryside.

Policy H1 permits the development of single affordable dwellings in rural settlements in accordance with policy H6. Policy H6 is a traditional exception site policy which allows the development of sites for affordable housing to meet local needs in locations not normally acceptable for residential development in accordance with TAN 2 and PPW. The policy requires developments to be of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier. There must also be arrangements in place to ensure that the benefits of affordable housing are secured for initial and subsequent occupiers.

The council adopted supplementary planning guidance (SPG) in October 2018 relating to affordable housing. The SPG provides a context upon which to implement adopted development plan policy.

#### Principle of development

The proposal relates to a single dwelling and the applicants are aware of the need for the development, if permitted, to be controlled with a secure mechanism (either a section 106 agreement or a planning condition) to ensure that the property remains as an affordable dwelling in perpetuity.

The SPG also sets out that dwellings should be no larger than 115sq.m, that outbuildings should be no larger than 15sq.m and that plot sizes no greater than 0.1ha. The plot size according to the application form is 0.06ha whereas the council's own mapping (which includes the visibility splays for the access) is 0.1ha. The plot size is therefore considered to be compliant with the SPG and given that the proposal is submitted in outline, conditions could be used to control the size of the dwelling and outbuildings to also conform to the SPG.

The application has been accompanied with an eligibility questionnaire and wage slips from the applicants. The information submitted indicates that the applicants have an appropriate local connection and financial circumstances such that they would comply with the eligibility criteria set out in the SPG.

With regards to the principal of development, the root of the matter relates to whether Penrhos constitutes a rural settlement for the purposes of the LDP. Within policy SP5 rural settlements are not listed but must be historically recognised/named settlements and contain at least 10 closely grouped dwellings, the count of which shall not include farmhouses, rural conversions or dwellings originally granted under exception policies (affordable dwellings and rural enterprise dwellings).

The SPG provides further guidance and states that *'To meet the test relating to the settlement's history, the name and location of the settlement must be documented, which will usually mean that the settlement is named and shown on an Ordnance Survey map and/or has a Council road sign naming the settlement'*. In this respect, the settlement is not named on Ordnance Survey mapping but with regards to road signs; there is a directional sign located on the A483 for Penrhos. The settlement does contain facilities including a church and a hall but these buildings, together with a rectory, are the only buildings in the settlement that predate planning (1947). That being said, officers consider that there is sufficient evidence that supports the claim of Penrhos being a historically recognised settlement.

The next matter, therefore, is whether the settlement contains 10 closely grouped dwellings in order to form an identifiable settlement within which the proposed site must be capable of being integrated. The SPG states that *'Consideration will be given to the physical and visual relationship between the dwellings that make up the settlement and also to the relationship between the group of dwellings and the proposed site. Where there are visibly large gaps between existing dwellings within the group and/or the proposed dwelling, the test of proximity and requirement for proposals to be well-integrated will not be met.'* It is on this matter that the previous application was found to be unacceptable.

The settlement of Penrhos is dispersed in its character with essentially three clusters of properties. Between the clusters there are gaps of around 100 metres and in the opinion of Officers, these gaps are large enough that the test of proximity is not met. It is for this reason that Penrhos does not constitute a rural settlement for the purpose of the LDP and that the proposed site is located in the open countryside.

LDP Policy H1 only permits housing development in the open countryside which relates to a need for housing consistent with current national policy, mainly rural enterprise workers; relating to the conversion of rural buildings; or relating to the renovation of a former abandoned building. It is not the applicants case that the objective of the proposed dwelling is to enable the future occupier to live at or close to their rural enterprise place of work. Neither would the proposed development be a conversion or renovation of an appropriate building. In not meeting one of the criteria set out in the section of the policy relating to the open countryside, the proposed development would be contrary to LDP Policy H1. It would not, therefore, protect the open countryside.

Overall, the LDP seeks to promote sustainable development through its strategic settlement hierarchy and to ensure the open countryside, as a finite resource, is protected from uncontrolled and unsustainable development. Policies SP5, SP6 and H1 reflect that position, and are consistent with the stance taken in PPW and the advice as contained within Technical Advice Note 6: Planning for Sustainable Rural Communities, insofar as they relate to the control of new housing in the countryside in line with sustainability principles. As the proposal fails to demonstrate that it is located within a settlement as defined by the LDP, the scheme cannot be supported.

### Scale, Design and Layout

Policy DM13 of the Powys Local Development Plan seeks to ensure that development proposals are able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. While Policy DM13 part 12 of the Powys Local Development Plan states that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

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 on the basis of the plans provided, it is considered that the proposal would not unacceptably adversely affect the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

The development is located on the edge of the settlement in which is currently part of an agricultural field. When traveling along the C2035 county highway the site would be prominent and it is considered that the eastern boundary would need to be treated with sensitivity to ensure that the rural/urban interface is not stark or harmful to the character of the area. Appropriate landscaping and boundary treatments should be able to address this matter.

It is also noted that there is a footpath running through the application site. Countryside services have advised that a 1.5 metre path must be maintained, however, based on the indicative layout, there would appear to be scope to ensure that the path remains open and free to use. Given that the development is located adjacent to existing residential development, it is not considered that the proposal would unacceptably affect the setting of the footpath or the way in which users would experience the right of way.

### Landscape and Visual Impact

Policy DM4 of the Powys Local Development Plan seeks to ensure that proposed development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an

unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

The site is located in the open countryside is set amongst a traditionally farmed landscape with pockets of woodland. The proposal would be adjacent to existing built form and would be visible from local roads and public rights of way.

In terms of landscape impact, the LANDMAP classifications for the site are as follows:

Geological Landscape - Moderate

Landscape Habitat - Moderate

Visual and Sensory - High

Historic Landscape - High

Cultural Landscape - High

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. However, taking into account the location and proximity to existing development, it is considered that sensitive landscaping measures could reduce the visual impact and a satisfactory detailed design could come forward to reflect the overall character and appearance of the surrounding area if the principle of development could conform with the development plan.

#### Residential Amenity

LDP policy DM13 states that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

It is noted that the development would be visible from quite few properties, and it would be closest to the adjacent bungalow, located to the west of the site. However, the proposed layout is indicative only and it is considered that these impacts could be minimised through effective planting and design which would be considered at the reserved matters stage.

#### Foul Water Disposal

Despite the details in the application form, Officers note that the plan for the foul drainage has been amended so that now the proposal is to connect to a package sewage treatment plant with discharge to watercourse. The Environmental Health Officer has confirmed that there are no objection to this method, subject to consent/exemption from NRW for the discharge.

#### Highways Safety and Movement

LDP policy DM13 part 11 indicates that development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The Local Highway Authority have confirmed that they do not have objections in this respect and have recommended a number of standard highway conditions if approval is granted.

In light of the highway officer's comments, it is considered that the site access could comply with the provisions of Policy DM13 part 11 of the Powys Local Development Plan.

### Ecology

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, including locally important site designations, or the habitat of any protected species.

The application is on an area of improved grassland which is considered to have low ecological value. To the north and east the site is bound by a native hedgerow and there are records of Great Crested Newts in the locality. The application has been supported with an Extended Phase 1 habitat survey which has identified the need for a reasonable avoidance strategy for newts, hedgerow removal, hedgehogs and reptiles.

Whilst some hedgerow would be lost as a result of the development to provide access into the site from the county highway, a greater length of new hedgerow is proposed. The Council's Ecologist has welcomed new hedgerow planting as compensation and enhancement, however specific details of the proposed planting has not been provided and as such the Ecologist has recommended that a Hedgerow Planting and Aftercare scheme is secured through an appropriately worded planning condition.

The Ecologist has further advised that careful consideration will need to be given to any external lighting 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.

Overall, taking into account the advice from the Council's Ecologist, subject to the use of conditions relating to reasonable avoidance measures, hedgerow planting and lighting, it is concluded that the proposed development would not unacceptably adversely affect any natural environment assets in accordance with Planning Policy Wales, TAN5 and LDP Policies DM2 and DM7.

### Loss of agricultural land

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

The application site does not fall within any of the above noted categories.

### **RECCOMENDATION**

Whilst Officers attach considerable weight to the the supply of affordable housing, it is considered that that the proposed site is not within rural settlement and for the reasons previously identified is therefore contrary to the LDP due to its unsustainable nature. It is for this reason that the application is recommended for refusal.

### Refusal

1. The proposed development is considered to be unjustified development in the open countryside contrary to policies SP5, SP6, H1 of the Powys Local Development Plan, Planning Policy Wales (10<sup>th</sup> Edition, 2018) and Technical Advice Note 6.