

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: P/2018/0150

Grid Ref: E: 309407
N: 298493

Community Council: Tregynon Community

Valid Date: 02.02.2018

Applicant: Mr Martin Hough

Location: Land Adj To Llys Cynon, Tregynon, Newtown, Powys, SY16 3EJ

Proposal: Outline: Erection of 3 no. affordable dwellings and access arrangements (all matters reserved)

Application Type: Outline planning

The reason for Committee determination

The application was called in by the Local Member.

Site Location and Description

The site concerns a linear plot which adjoins the settlement boundary of Tregynon to the north and east. The surrounding land uses comprise residential development and allocated green space.

This application seeks outline planning consent for the erection of 3 affordable dwellings, all matters, including access are reserved for consideration at a later date. The application includes an indicative layout for the 3 plots and scale parameters for the proposed dwellings.

Consultee Response

Cllr Heulwen Hulme

E mail of the 22nd February 2018

I wish to call into committee the above mentioned planning application on the grounds of safe access to and from the proposed development, highway concerns around church corner, no footpath into the main centre of the village and water/drainage run off onto the lower estate of Tan Y Llan which had serious flooding issues in 2007. Houses numbered 45 – 61 Tan Y Llan have existing drainage issues in their back gardens and is causing considerable local controversy.

It is outside the UDP.

I reserve the right to withdraw my call in, if I feel circumstances warrant it.

Tregynon Community Council

E mail of 28th March 2018

It was noted that the amended application P/2018/0150 shows a re-located access and altered arrangement of properties in the proposed development P/2017/1137. This has not been raised elsewhere or brought to the councillors' and public's attention.

The Tregynon councillors note that they are being asked to consider this application for houses P/2018/1050 when its precursor, namely P/2017/1137, has not been approved.

1. This amendment has ramifications for application no P/2017/1137 which have not been indicated in this amendment or elsewhere. See first comment above.
2. The proposal would result in congestion on the road C2141. It is a narrow road with a lot of traffic resulting in dangerous emerging vehicles at the church junction.
3. There is no room for a pavement to be put in and there is concern about the safety of pedestrians, especially children.
4. There is a question over where sewerage will go.
5. During the disastrous floods of 2007, water ran down the slop on which this proposal is situated. This proposal could result in increased drainage problems for houses 47—59 Tan y Llan.
6. The proposal implies difficulties for refuse collection. There is no allowance for turning.
7. Will entry and exit from the existing neighbouring bungalows be safe?
8. Are the proposed houses meant to be on the open market or social housing?
9. The plan provided shows only basic detail and there is no indication of building materials or how the proposed dwellings will be in keeping with the area.

E mail of the 9th March 2018

At yesterday's meeting of Tregynon Community Council the councillors asked that the following comments be sent regarding the Llys Cynon application (P/2018/0150):

- a. The road C2141 is busy, with cars, farm vehicles and pedestrians. More vehicles would constitute a hazard in the same way as at the church. The proposed dwellings would be family houses with children and a pavement would be required.
- b. There is concern about building over an open water course. Heavy rain would be a hazard and it was not made clear how water runoff would be accommodated. Sewerage was not considered in the plans. Can the existing sewage works cope with additional amounts?

c. The public footpath over the field is not marked on the plan and the councillors are concerned about public access to this right of way.

d. The proposed entrance to the development is part of a private road. Plans for this entry, and implications for the owners of the private road, are not made clear.

PCC – Highways

Letter of 20th August 2018

The County Council as Highway Authority for the County Class III Highway, C2145

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings to upgrade the footpath link to the village as shown on drawing numbers S070.1.3.203 & S070.1.3.200 Rev B, to be a surfaced footway with street lighting, and all associated works, shall be submitted to and approved in writing by the Local Planning Authority. Furthermore full engineering drawings to include detailed cross sections through the proposed retaining structure and the adjacent highway shall be submitted and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC1 Any entrance gates 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 development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 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 15 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 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 any other 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 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.

HC13 Prior to the occupation of any dwelling a radius of 10 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 15 metres.

HC19 Prior to the first occupation of any dwelling, the estate road carriageway and estate road footway shall be constructed to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwellings

HC20 Prior to the occupation of any dwelling, a scheme for the construction scheme shall be submitted for the road carriageway and footways within the site. Development shall be carried out in accordance with the approved scheme.

HC22 Prior to the commencement of any other development any existing means of access shall be stopped up. A method statement for the stopping up of any access shall be submitted to and approved in writing by the Local Planning Authority prior to stopping up the access, works shall be carried out in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC30 Upon formation of the visibility splays as detailed in condition 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of

the visibility splay and retained in this position as long as the development remains in existence.

HC31 Prior to the occupation of any dwelling, the driveway and any turning area of each dwelling shall be metalled and surfaced in porous tarmac, block pavements or other porous hard surfacing.

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

E mail of the 14th February 2018

The County Council as Highway Authority for the County Class III Highway, C2145

Wish the following recommendations/Observations be applied

Recommendations/Observations

This application should be deferred.

Reasons for Deferral

It is noted that the Outline Application includes 'All Matters' as being reserved. The Highway Authority request that the Planning Authority ensures that Access is determined at this stage as currently there is no safe access to the nearest County Highway. Discussions have been held with the agent, which has highlighted that the existing access is not capable of serving this development due to the sub-standard nature of the access. We therefore consider it imperative that access proposals are submitted for consideration as part of this application.

All access to the proposed development site is gained via the existing private road, which suffers from severely restricted visibility to the north east, substandard radii and gradient, and any increased use of the access as proposed would be detrimental to highway safety conditions.

Although the submitted plans are indicative, it should be noted that the proposed turning head is too small to accommodate the safe turning of a Refuse Vehicle.

Wales and West Utilities

E mail of the 9th February 2018

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Severn Trent

E mail of 12th February 2018

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Environmental Health

E mail of the 14th February 2018

Foul drainage

Environmental Protection has no objection to the proposal to connect to the public mains sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. Environmental Protection would recommend the following condition for the protection of amenity during the construction phase of the project:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- 0800 – 1800 hrs Monday to Friday
- 0800 – 1300 hrs Saturday
- At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site shall also only take place within the permitted hours detailed above.

PCC - Rights of Way

Letter of the 5th March 2018

I can confirm that a public footpath 10 runs through the proposed development area. As such, Countryside Services objects to the proposal as the development shown on the plans provided will obstruct the public footpath.

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

Diverting a public right of way is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0>

PCC - Affordable Housing

E mail of the 5th March 2018

We seek provision of affordable housing on residential development sites in accordance with the Affordable Housing Topic Paper September 2016, and the following guidelines to be adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9.

PCC - Ecologist

E mail of the 26th March 2018

Sources of Information:

A Preliminary Ecological Appraisal has been completed by Turnstone Ecology (January 2018). These observations are based on the findings of the PEA and an interpretation of available aerial and street imagery, plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

Although the application description is for 9 no. dwellings I note that the amended Proposed Site Plan (ref: 5050-1-1-702 A) includes only 3 dwellings.

Summary of historical species records:

Protected and priority species recorded within 1km of the proposal include slow worm, common toad, common frog, various bat species, various bird species (including red kite), hedgehog, hare, palmate newt, badger, stoat and polecat.

Protected Species/Habitats:

The PEA report confirms that the proposal is located within an improved grassland field and forms Phase 2 of a housing development at the site. The north-western site boundary consists of a mature hedgerow and access to the site will be via the existing field access in the north-eastern boundary.

Although no boundary features will be affected, considering the close proximity of the development to boundary hedgerows and trees the PEA report recommends that a suitable buffer zone is established, which conforms to BS5837:2012, to protect the roots of these features. A tree and hedgerow protection plan, which meets the requirements of BS5837:2012, should therefore be submitted to the local planning authority for their approval prior to commencement of works.

Following the site survey the PEA report confirms that the following protected species may be present on site and makes recommendations for avoiding or mitigating impacts on them, where relevant:

- Badger: no evidence observed but optimal foraging and sett-building habitat present in the grassland and hedgerows. Recommendations made for implementation of avoidance measures for animals becoming trapped during the works.
- Bats: no suitable roosting habitat within the development boundary but three mature Ash trees 10m outside the north-western boundary have potential. The surrounding hedgerows and trees offer suitable foraging/commuting habitat. The PEA report recommends that new lighting should be directed away from hedgerows and trees and long term bat roosting provision should be incorporated within the new buildings.
- Dormouse: optimal habitat within the north-western hedgerow, which connects to the south-western field boundary hedgerow. Safe working measures are recommended in the PEA report and should be implemented during the works.
- Nesting birds: the surrounding trees and hedgerows provide suitable nesting habitat, but no vegetation clearance is understood to be required. The PEA report recommends incorporating one open-fronted and one hole nest box within the design of each dwelling.
- Reptiles: suitable habitat in the north-western and southern boundary features and therefore the PEA report recommends safe working methods to be followed during 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.

Although no priority or LBAP habitats would be directly affected by the development, the PEA report makes recommendations for habitat enhancement via seeding the north-west corner of the site with a native species meadow mix which can eventually succeed to scrub,

and planting up gaps in the south-eastern boundary hedgerow. Such enhancements would be welcomed as providing a biodiversity net gain at the site.

The provision of bat and bird boxes within the development is also recommended within the PEA report and would be welcomed as a site biodiversity enhancement. I recommend that such enhancements are detailed in a biodiversity enhancement plan to be submitted to the local planning authority prior to works commencing.

Non-native Invasive Species:

The PEA report (Turnstone Ecology, January 2018) does not refer to any non-native, invasive species being present at the site.

Designated Sites for Nature Conservation:

The Gregynog SSSI is located approximately 750m to the north-east. However, considering the scale and nature of the proposal adverse impacts upon this site appear unlikely.

Further information required prior to determination of application:

I consider that sufficient information has been provided to determine the potential ecological impact of the application.

Recommendations:

I recommend that the observations provided above are secured by the following conditions.

Recommended Conditions:

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

The recommendations regarding badgers, bats, dormice, nesting birds, reptiles and habitats identified in Section 4 of the Preliminary Ecological Appraisal by Turnstone Ecology dated January 2018 shall be adhered to and implemented in full

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

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

Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposed bird and bat boxes and habitat enhancement specifications 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.

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.

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.

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

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Relevant UDP Policies:

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 6: Sites of Regional and Local Importance

ENV 7: Protected Species

CADW

Letter of 15th June 2018

Thank you for your letter of 11 June 2018 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument. Our assessment of the application is given below.

Our role

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

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

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

Assessment

Located within a 3km buffer of the application area is scheduled monument Tregynon Moated Site MG204, which consists of the well preserved earthworks of a medieval moated homestead.

The proposed development is for three dwelling, phase 2 of a small residential development on the south side of Llys Cynon.

The proposal is located some 300m northwest of scheduled monument and will be visible from it, seen in front of existing houses on the north side of Llys Cynon. Thus whilst bringing the current settlement slightly closer to the monument, the present general view from the monument will not be significantly altered. Consequently the proposed development will not cause any damage to the setting of scheduled monument.

Letter of 20th February 2018

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG204 Tregynon Moated Site or the registered Gregynog Historic Park and Garden. Our assessment of the application is given below.

Our role

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

National Policy

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

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application area is located some 300m northwest of scheduled monument MG204 Tregynon Moated Site. The proposed development will be visible from the scheduled monument in front of the existing houses on the north side of Llys Cynon and thus whilst bringing the current settlement closer to the monument the current vista from the monument will not be significantly altered. Consequently the proposed development will not cause any damage to the setting of scheduled monument MG204.

The application area is located some 220m outside the boundary of the registered Gregynog Historic Park and Garden but is inside its' essential setting as show on the citation. The proposed development will be visible from the boundary of the Historic

Park and Garden but will be seen as an extension of the current village. Consequently the proposed development will not cause any damage to the setting of the registered Gregynog Historic Park and Garden.

CPAT

E mail of 12th June 2018

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

E mail of 13th February 2018

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

Built Heritage

26th November 2018

Recommendation - No objection

Background to Recommendation

Designations

In close proximity to listed buildings

Cadw ID 8683 The School House included on the statutory list on 23/11/1987

Cadw ID 18147 Tregynon School included on the statutory list on 23/11/1987

Cadw ID 18148 Tregynon School boundary wall included on the statutory list on 23/11/1987

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

Section 6.1.4 of Planning Policy Wales 9th edition requires that “Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values.” Section 1.26 of TAN 24 advises that “It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings.” Paragraph 4.5 of the guidance Managing Change to Listed Buildings repeats this requirement.

The proposal is for the development of a parcel of land adjacent to the settlement boundary at Tregynon.

The site is elevated above the village and visible from the lower ground, and is in close proximity of the listed school and school house. However no assessment of the setting of the listed buildings accompanied the application.

It is noted that the site and the adjoining site were submitted as a candidate site (reference 81) where no objection was raised on built heritage terms to the principle of the development of this site. Given the relative distance between the listed buildings and the site and the dwellings directly in front of the listed buildings I would not consider that the proposal would affect the setting of the listed buildings.

However it is noted that the application is made in outline with all matters reserved, and that care should be taken with the design especially the roofscape and materials of this site and I would request that consultations are undertaken at reserved matters stage

Natural Resource Wales

E mail of 12th June 2018

Our comments are with reference to drawing SO70.1.1.202 Rev A which shows the proposal has reduced from 9 to 3 dwellings. We note the current proposal will not directly impinge on the stream across the field and we have no objection to the proposal. Our recommendation on ecology remain as per our response dated 21/02/2018 (CAS-54752-X1F8).

Letter of 23rd February 2018

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Requirements and Conditions

Condition 1– EPS: All avoidance and mitigation measures described in section 4 of the Preliminary Ecological Appraisal report dated January 2018 by Turnstone Ecology are secured through planning conditions and/or a Section 106 agreement.

Condition 2 – EPS: Any exterior security or decorative lights shall be less than 3m from the ground and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical. Lighting must be less than 3 lux at ground level and there shall be no light splay exceeding 1 lux along hedgerows and trees. Any lighting shall be Passive Infrared (PIR) triggered.

Protected Species

We note that the Preliminary Ecological Appraisal report dated January 2018 by Turnstone Ecology submitted in support of the above application, has identified potential for bat and dormouse use of the trees and hedgerows present at the application site.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (SI2017 No.1012). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats and dormice on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, we do not consider the proposal is likely to harm or disturb any bats, dormice or their breeding sites and resting places at this site provided appropriate reasonable avoidance measures, as identified in section 4 of the Ecological appraisal, are secured via the imposition of planning condition.

It is not clear from the proposed block plan whether the existing hedgerows and trees present on site will be retained. The layout of the proposal has scope for the retention of all existing boundary features which have been identified as being important as wildlife corridors and we would encourage the developer to retain these. It will be important to fence off a 3 metres Root Protection Zone that will provide a safe, undisturbed corridor for dormice and a sensible exterior lighting plan that will minimise light spill onto hedgerows and linear features used by foraging bats and dormice.

Condition 1– EPS: All avoidance and mitigation measures described in section 4 of the Preliminary Ecological Appraisal report dated January 2018 by Turnstone Ecology are secured through planning conditions and/or a Section 106 agreement.

Condition 2 – EPS: Any exterior security or decorative lights shall be less than 3m from the ground and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical. Lighting must be less than 3 lux

at ground level and there shall be no light splay exceeding 1 lux along hedgerows and trees. Any lighting shall be Passive Infrared (PIR) triggered.

Foul Drainage

There is no information at outline stage on the proposed method of foul water disposal, however, due to the presence of the mains connection points in the area we envisage that connection to the mains sewer will be feasible in accordance with government policy.

Should this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Culverting

According to our detailed river network records, a small stream/ditch (ID 3001) runs across the site.

It is not clear whether culverting of this stream has been proposed, however some of the houses' gardens and the access road appears to be located over the stream. Culverting of

a watercourse requires land drainage consent. We therefore advise you to consult with the internal drainage board (IDB) for further advice.

NRW is generally opposed to unnecessary culverting of watercourses as this can increase the risk of flooding, restrict maintenance requirements and can destroy wildlife habitats.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (: <https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. 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.

Land Drainage

Don't think Powys LLFA has made comment to you regarding the above application, in particular, that relating to the revised drawing no. S070.1.1.202 Rev B – Proposed Site Plan. Having considered the proposal and would make the following comments/recommendations.

Land Drainage / Local Flood Risk.

The LLFA does not hold any records in respect to flooding of the application site but note representation has been made to the LPA regarding surface water run-off flowing across the site during past storm events. Having visited site, it is noted that there are several existing highway drainage 'grips' discharging onto the lower application site from the public highway. These highway drainage 'grips' allow surface water run-off to discharge from the public highway onto the lower land. I can therefore imagine that where reference to water flowing down the field has been made in the representation(s) that this will more than likely be from the existing highway surface water drainage grips discharging onto the application site.

No drainage details have been submitted to reflect the presence of the highway drainage discharges.

These highway drainage discharges have been established over time and will therefore need to be safeguarded.

I would also point out that an existing ordinary watercourse is located in close proximity to this revised development proposal. Reference is made under Item 5 – *Assessment of Flood Risk* on the Planning Application form where it indicates that the site is not within 20 metres of a watercourse. This is incorrect.

No further reference has been made in the submission to recognise the existence of this watercourse and how it will be safeguarded.

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of the watercourse, which would also allow for any overland flows, without prior permission of the LPA.

Recommendation: No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of the watercourse, which would also allow for any overland flows, without prior permission of the LPA.

Reason: To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.

Surface Water Drainage.

The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. A new road and dwellings will, more than likely, increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing watercourse channel is required, this may also affect the local hydrological regime.

Reference is made to surface water drainage under Item 5 – *Assessment of Flood Risk* on the Planning Application form, where it states surface water runoff is to be disposed through the use of sustainable drainage system (SuDs).

No surface water drainage details or layout drawings have been submitted to indicate how the proposed development will be drained/disposed. The LLFA would recommend that the surface water design for this development proposal follow and incorporate Welsh Government's statutory standards for SuDS design standards - <https://gov.wales/docs/desh/publications/190108-suds-statutory-guidance-en.pdf>.

A Drainage Strategy will be required (to include the proposed measures to safeguard the existing highway drainage discharges), the scope of which will need to be agreed with the Lead Local Flood Authority.

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

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

Public Response

A site notice was erected for a continuous period of 21 days, no decision was made during this period.

A total of letters of objection have been received, each objection has been taken into full consideration in the determination of this application. The grounds for objection are summarised below:

- Capacity of the existing highway network to accommodate the cumulative housing developments in this area
- Loss of green space designated under the LDP
- The indicative scale of the dwellings are out of context and would appear overbearing
- Overdevelopment of Tregynon in combination with the planned growth under the LDP
- Increased surface water run off from the site causing off site localised flooding
- Impact on ecology; particularly loss of habitat of slow worms

Planning History

P/2017/0621- Residential development comprising of up to 5 dwellings, formation of vehicular access and access road and all associated works. Application withdrawn

P/2017/1137- Erection of 5 no. dwellings, formation of vehicular access road and all associated works. Pending

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)

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

Technical Advice Note 2-Planning and Affordable Housing (2006)

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

Technical Advice Note 12-Design (2016)

Technical Advice Note 15-Development and Flood Risk (2004)

Technical Advice Note 16-Sport, Recreation and Open Space (2009)

Technical Advice Note 18-Transport (2007)

Technical Advice Note 20-Planning and the Welsh Language (2017)

Technical Advice Note 24-The Historic Environment (2017)

Local Development Plan (April 2018)

SP1-Housing Growth

SP3-Affordable Housing Target

SP6-Distribution of Growth Across the County

DM2-The Natural Environment

DM3-Public Open Space

DM4-Landscape

DM5-Development and Flood Risk

T1-Travel, Traffic and Transport Infrastructure

H1-Housing Development Proposals

H2-Housing Sites

H3-Housing Delivery

H4-Housing Density

H5-Affordable Housing Contributions

H6-Affordable Housing Exception Sites

Affordable Housing SPG (2018)

Biodiversity and Geodiversity SPG (2018)
Planning Obligations SPG (2018)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note LDP=Powys Local 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

Principle of new residential development on the proposed site

In line with the strategic housing policies, policy H1 supports housing development which is in keeping with its location in terms of scale and type. Tregynon is classified in the LDP as a 'large village', the site is located outside of Tregynon settlement boundary, as defined by the LDP and as such Criteria 1(ii) is relevant.

The site comprises a linear strip of land which adjoins the grounds of existing dwellings to the west, and adjoins the settlement boundary to the east, with housing development on the adjacent side of the road to the north. Consent has been granted for development of 5 dwellings within the settlement boundary to the east (P/2017/1137). The northern and eastern boundary of the site adjoins the settlement boundary.

The Authority consider the site forms a logical extension to the settlement boundary of a large village, in such locations affordable housing schemes, in accordance with policy H6, are considered acceptable in principle, subject to the scheme meeting all detailed material considerations.

The information submitted in January demonstrates that the proposed development meets the affordable housing criteria set out under the LDP affordable housing supplementary planning guidance.

The site is located adjoining a large village and in line with the SPG required to be developed by an RSL. As such, the affordable housing condition will require details of transfer to an RSL.

Suitability of access arrangements

Access is considered under this application, detailed plans have been submitted during the course of the application detailing the proposed method of access to the site and associated highway works.

The scheme submitted of the 8th June 2018 (S070.1.3.200) details a new access created off the C2145. It is proposed that this access would serve the proposed site under this application and the adjoining pending site.

The amended plans detail an access considered acceptable in terms of highway safety, subject to the inclusion of the conditions recommended by the highway authority. The first recommended condition relates to the upgrade of the existing footpath link with the village. The proposed scheme is a for 100% affordable development. The Authority consider the benefit of an affordable housing scheme should not be compromised by requiring the upgrade of highway infrastructure. As such the first condition recommended by the highway authority as part of their response has not been included as part of the consent.

The scheme is considered in accordance with highway standards and in keeping with the requirements under policy T1 of the LDP.

Impact on landscape character

Policy DM4 seeks to maintain the distinctiveness of Powys' landscape in order to safeguard the quality of its environment and ensure social, cultural and economic well being. Policy DM4 sets out the criteria for which new development shall be assessed in terms of their impact on the landscape.

In order to avoid development having an unacceptable adverse impact on valued characteristics and qualities of the Powys landscape, proposals should be integrated and be of an appropriate scale and design. Landmap attributes a value of moderate to landscape, geological and visual and sensory landscape characteristics. High values are attributed to cultural and historic landscape characteristics, these values are based on the historic features in the wider surrounding area, including Gregynog Hall and gardens.

The proposed site comprises and greenfield strip of land which adjoins existing or proposed housing development on three sides of the site. While a parcel of the green field would be lost, this would be a small area in relation the area of field to be retained. The surrounding land character is predominantly urban given Tregynon is classified as a large village and the proposed housing development would alter its existing character or have an unacceptable impact on any valued characteristics or qualities.

Visual and neighbour amenity impact

Policy DM4 and DM13 seek to protect the visual attractiveness of areas from development which would appear overbearing or obstructive within incoming views. Policy DM13 also seeks to ensure schemes are carefully designed so as not to reduce the amenity enjoyed by the occupiers of existing dwellings close to the proposed development and the amenity of any future occupiers.

The main incoming view of the site is from the south, within these views the proposed dwellings would be viewed in context with the existing dwellings to the north of the site. The dwellings on the adjacent side of the site to the north occupy a slightly elevated position in relation to this site. There is sufficient separation distance between the developments to ensure there would be no issue in terms of the existing dwellings appearing overbearing and the difference in ground level and separation distances ensure there would be loss of amenity to the existing occupiers or future occupiers of the proposed dwellings.

The adjoining site is subject to a pending application for residential development. This application is submitted in outline and there is sufficient space available within the site to ensure the dwellings could be designed in a way that there would be no amenity impact on the future occupiers of either site.

Impact on the historic environment

The site is in proximity to the Scheduled Ancient Monument (SAM) Tregynon Moated Site (MG204), Gregynog Historic Park and Garden and Gregynog Listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The site is approximately 300m northwest of the SAM, CADW note in their response that the proposed development would be visible from the SAM and would bring development marginally closer to the SAM. However, given the existing dwellings to the north, the current vista from the SAM would not be significantly altered and as such CADW concludes in their response that the setting of the SAM would remain undamaged as a result of the proposed development.

The site is approximately 220m from the boundary of the Historic Park and Garden, the site is within the 'essential setting' as shown on the citation. CADW advise the development would be visible from the Park and Garden but would be viewed as an extension of the current village and as such would not damage the setting of the Park and Garden.

The built heritage officer notes the separation distance between the listed buildings and the site and intervening development between the site and listed buildings. Based on the separation distance and intervening development, the built heritage officer raises no objection to the proposed scheme.

As such it is considered that the proposed development does not harm the setting of the listed buildings or scheduled monuments and is therefore considered to be in accordance with policy SP7 of the Local Development Plan, TAN24, PPW and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on ecology

Policy DM2 seeks to ensure development does not have an unacceptable adverse impact on the conservation status of protected species. The proposed site comprises a parcel of green field, in order to ensure any potential impact is suitably mitigated, a preliminary

ecological survey was carried out by Turnstone Ecology in January 2018. Chapter 4 of the ecological report details suitable mitigation, a condition of any forthcoming consent shall require this mitigation is included on the detailed design plans submitted at the reserved matters stage of the application process. A condition of any forthcoming consent would also require that a lighting scheme is submitted and approved prior to the erection of any external lighting, this is to ensure the habitat of nocturnal animals is protected.

The County ecologist and NRW raise no objection to the proposed scheme.

Impact on the public rights of way network

Public footpath 10 appears to run through the eastern part of the site and along the south eastern corner. The Ramblers Association highlight in their response this is an important route which connects the village to Gregynog. The indicative map has not taken account of the route of the footpath, the detailed scheme submitted under a future reserved matters application would need to demonstrate that the route would remain unobstructed or the footpath would need to be diverted if a diversion is considered possible by Countryside Services, the advice given by Countryside Services in their response should be noted when considering whether or not to seek to divert the footpath.

Suitability of foul and surface water treatment

Planning Policy Wales and Circular 008/2018 are relevant when considering the suitability of drainage proposals. The development occupies a parcel of land at the top of sloping greenfield land. A number of third party responses have raise concerns regarding the potential for increased flooding on the properties at the base of the slope to the south of the site.

The proposed development would introduce new areas of hardstanding and as such the discharge of surface water is particular important given the sites constraints. NRW consider the site is in reasonable distance to the mains sewerage system connection points, in line with PPW a scheme for connection to the mains sewerage system should be submitted and approved prior to development commencing.

Severn Trent have been consulted on the application and offer no objection subject to a condition requiring a drainage scheme to be submitted prior to the commencement of development.

As such, whilst third party concerns are acknowledged, in light of comments received from Severn Trent and NRW it is considered that the development fundamentally complies with the relevant local and national policies.

Surface water drainage

Planning Policy Wales seeks to ensure new development includes an efficient means of surface water drainage and would not directly exacerbate surface water flooding.

The land drainage officer has assessed the scheme and while concern is raised regarding the accuracy of information submitted with the scheme, they raise no objection to the proposal provided a surface water drainage scheme and safeguarding zone is secured

around the watercourse which is within 5 metres of the site. These requirements shall be secured via condition on any forthcoming consent.

In accordance with the records retained by NRW, there is a stream/ditch which runs across the site. No information has been submitted with the application which details culverting a watercourse. A condition of any forthcoming consent would require a scheme for managing the watercourse to be submitted and approved by the LPA, the scheme would need to have been designed in consultation with the internal drainage board (IDB).

Recommendation to Members

In light of the above, it is considered that the proposed development complies with both local and national policies and is recommended for approval subject to the conditions outlined below.

Conditions

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4 The development shall be carried out in accordance with the following approved plans and documents, plan references include proposed site plan (S070.1.1.202), Revised Location Plan (S070.1.3.200),
- 5 Any entrance gates 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 development hereby permitted remains in existence.
- 6 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- 7 The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
- 8 Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant

in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9 Before any other development commences 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 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

10 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 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.

11 Prior to the commencement of any other 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.

12 The width of the access carriageway, constructed as Condition 8 above, shall be not less than 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.

13 Prior to the occupation of any dwelling a radius of 10 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

14 The centre line radii of all curves on the proposed estate road shall be not less than 15 metres.

15 Prior to the first occupation of any dwelling, the estate road carriageway and estate road footway shall be constructed to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwellings

16 Prior to the occupation of any dwelling, a scheme for the construction scheme shall be submitted for the road carriageway and footways within the site. Development shall be carried out in accordance with the approved scheme.

17 Prior to the commencement of any other development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

18 Upon formation of the visibility splays as detailed in condition 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

19 Prior to the occupation of any dwelling, the driveway and any turning area of each dwelling shall be metalled and surfaced in porous tarmac, block pavements or other porous hard surfacing.

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

21 Prior to the commencement of development, a scheme for the disposal of surface water drainage from the site shall be submitted and approved in writing by the local planning authority. Works shall be carried out with the approved scheme.

22 All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- o 0800 - 1800 hrs Monday to Friday
- o 0800 - 1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site shall also only take place within the permitted hours detailed above.

23 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

24 The affordable dwelling shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

25 The recommendations regarding badgers, bats, dormice, nesting birds, reptiles and habitats identified in Section 4 of the Preliminary Ecological Appraisal by Turnstone Ecology dated January 2018 shall be adhered to and implemented in full.

26 Prior to the erection of any external lighting a lighting scheme shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme

27 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.

28. No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of the nearest watercourse.

29. Prior to commencement of development, a scheme for the management of the nearest watercourse shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 4 To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
- 5 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 (2018)
- 6 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 (2018)
- 7 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 8 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)

- 9 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 10 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 11 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technica Advice Note 18 (2007)
- 12 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 13 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 14 In the interests of highways and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 15 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 16 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 17 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 18 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 19 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 20 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 21 In order to satisfactorily discharge surface water and to accord with Planning Policy Wales (9th Edition, November 2016)
- 22 In the interests of neighbour amenity and to accord with Powys Local Development Plan policy DM13 (2018)
- 23 In order to control new residential development in the open countryside and to accord with Powys Local Development Plan policies SP1, SP5 and H6 (2018)
- 24 In order to control new residential development in the open countryside and to accord with Powys Local Development Plan policies SP1, SP5 and H6 (2018)

25 In the interests of ecology and to accord with Powys Local Development Plan policy DM2 (2018)

26 In the interests of ecology and to accord with Powys Local Development Plan policy DM2 (2018) and Technical Advice Note 5 (2009)

27 In the interests of ecology and to accord with Powys Local Development Plan policy DM2 (2018) and Technical Advice Note 5 (2009)

28 In order to ensure a sufficient means of surface water drainage and to accord with Planning Policy Wales (10th Edition, 2018).

29 In order to ensure a sufficient means of surface water drainage and to accord with Planning Policy Wales (10th Edition, 2018).

Informative Notes

1 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:

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

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

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

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

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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

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

It is an offence for any person to:

- o Intentionally kill, injure or take any dormice.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- o 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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

2 Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Culverting

According to our detailed river network records, a small stream/ditch (ID 3001) runs across the site.

It is not clear whether culverting of this stream has been proposed, however some of the houses' gardens and the access road appears to be located over the stream. Culverting of a watercourse requires land drainage consent. We therefore advise you to consult with the

internal drainage board (IDB) for further advice.
NRW is generally opposed to unnecessary culverting of watercourses as this can increase the risk of flooding, restrict maintenance requirements and can destroy

Signed:.....
Dunya Fourie Planning Officer

Date:

Signed:.....
Principal Planning Officer/Interim Planning Solicitor

Date: