

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

**Application Number:** 20/1338/RES

**Grid Ref:** E: 320251  
N: 290934

**Community Council:** Kerry Community

**Valid Date:** 21.08.2020

**Applicant:** Powys County Council

**Location:** Land Adjacent Shop Lane, Sarn, Newtown, Powys, SY16 4DQ

**Proposal:** Reserved matters application for details of 45 dwellings (appearance, scale, layout, access and landscaping) and all associated works in connection with outline approval P/2016/0722

**Application Type:** Reserved Matters

### The reason for Committee determination

Major application in which Powys County Council is the applicant

### Consultee Responses

#### Consultee

#### Received

Hafren Dyfrdwy

No comments received at the time of writing this report.

PCC-(N) Highways

31<sup>st</sup> Jan 2022

The County Council as Highway Authority for the County Class III Highway, C2136

Wish the following recommendations/Observations be applied

#### Recommendations/Observations

The Highway Authority (HA) has reviewed the most recently revised drawings/detail and wish to make the following comments.

We understand that due to SAB and amenity requirements, the carriageway of Road 2 and the internal footways have been reduced in width to accommodate the required highway infrastructure. Whilst this is the case, we have worked with the applicant to ensure that the infrastructure complies with Manual for Streets, the Active Travel Act

Guidance and the Common Standards Guide.

Subject to the following conditions being attached to any consent given, the HA would not object.

Notwithstanding the submitted details on drawing numbers OV-PL-300 Rev B, OV-LS-301 Rev B, OV-VB-302 Rev D, OV-RT-303 Rev D, OV-GA-305 Rev C, OV-RC-306 Rev A, the Highway Authority wish the following conditions to be applied to any consent given.

1. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The 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.
2. No other development shall commence until the access has been 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. 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.
3. Upon formation of the visibility splays as detailed 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.
4. Upon the construction of the access as Condition 2 above the existing means of access onto the C2136 shown on Drawing Number OV-RT-303 Rev D (northwestern roadside frontage onto the C2136) 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.
5. Notwithstanding the submitted details, within 10 days from the commencement of the development detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

6. Prior to first occupation of any dwelling on the site, a 20mph Zone shall be implemented that covers the internal estate road.
7. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan OV-RT-303 Rev D. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
9. Prior to the first occupation of any dwelling hereby approved the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
10. Prior to the first occupation of any dwelling, the footway works shown on Drawing Number OV-VB-302 Rev D along the A489, 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.
11. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
12. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
13. Any vehicular entrance gates installed within the application site 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.
14. The gradient from the back of the footway/verge to the vehicle parking areas shall

be constructed so as not to exceed 1 in 20 and shall be retained at this gradient for as long as the dwellings remain in existence.

15. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

17. The garages to be provided shall be kept available for the parking of motor vehicles at all times.

#### Advisory Notes

The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of the requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage. Further information relating to Traffic Regulation Orders can be found in Section E of the CSS Wales Common Standards Guide 2020.

All off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section E of the CSS Wales Common Standards Guide 2020.

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Section E of the CSS Wales Common Standards Guide 2020.

**NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;**

1. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement

that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

2. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

3. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Environmental Protection

3rd Sep 2020

Environmental Protection has no objection to the application.

PCC-Countryside Services Manager

No comments received at the time of writing this report.

PCC-Affordable Housing Officer

No comments received at the time of writing this report.

PCC-Ecologist

15<sup>th</sup> Jul 2021

Thank you for the opportunity to comment on planning application 20/1338/RES which concerns a reserved matters application for details of 45 dwellings (appearance, scale,

layout, access and landscaping) and all associated works in connection with outline approval P/2016/0722 at Land Adjacent Shop Lane, Sarn, Newtown, Powys, SY16 4DQ

Conditions 9 and 10 of approval P/2016/0722 remain valid.

Condition 9 requires that:

The recommendations (page 28 &29 of the extended phase 1 habitat survey report) regarding Bats, Hedgerows, and trees (paragraphs 11.1, 11.2 and 11.3) Birds (11.5), lights (11.4), Pollution prevention plan and buffer zone around watercourse (11.6) and Ecological enhancement (11.7) of the Ecological Report by Rachel Price dated June 2016 shall be adhered to and implemented in full.

Condition 10 requires that:

Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Pollution Prevention Plan and Tree and Hedgerow Protection Plan shall be submitted to and approved by the Local Planning Authority all of which shall include details of the timing for implementation. The plans must be implemented in accordance with the agreed details.

The submitted Planning Statement mentions that information has been submitted to enable discharge of the pre-commencement planning conditions and that ecology matters have been addressed (condition 9). No information has been submitted in relation to condition 10. Having reviewed the Extended Phase 1 Habitat Survey submitted for P/2016/0722 it is considered that the information required to be submitted to satisfy condition 10 must be provided; this demonstrates compliance with parts of condition 9. Please note that the tree protection measures on the submitted Proposed Site Plan are not sufficiently detailed. The Tree and Hedgerow Protection Plan must have sufficient detail and demonstrate compliance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The External Lighting Design Scheme must demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. It is recommended that preparation of the Pollution Prevention Plan refers to relevant guidance including GPP 1: A general guide to preventing pollution and GPP5 Works and maintenance in or near water, which can be found at: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>. (The series supersedes that referred to in the ecology report). The applicant should also be aware that para. 11.1 (birds) refers to use of netting to exclude nesting birds from any hedgerow to be removed. Best practice guidance has been updated and this is no longer considered appropriate. It is noted that all existing hedgerows are to be retained within the development, which is welcome. Regarding

biodiversity enhancements, para. 11.7 of the ecology report suggests potentially suitable measures. The Proposed Site Plan indicates a 'surface water ecological swale' as part of a proposed SuDS design. SuDS provides excellent opportunities to incorporate biodiversity enhancement, through native species planting for instance, and is a statutory consideration as part of the SAB approval process. However, sufficient information must be provided to the LPA and features of wildlife enhancement measures proposed as part of the development should be clearly identified and detailed on submitted plans (i.e. locations, dimensions, numbers, species, etc. included) and be achievable.

Further information is required to enable discharge of condition 10. Alternatively, the condition should be retained and be subject to a separate application prior to commencement of development.

I have reviewed the submitted Proposed Site Plan, which identifies the location of the existing boundary hedgerows and three mature trees to be retained within the development. A number of trees and landscaped areas are indicated, plus a new native species hedgerow along Shop Lane. No further details are provided. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme to include proposed species mixes, planting and aftercare schedules.

It is, therefore, recommended that submission of a Landscaping Plan is secured through an appropriately worded planning condition. Provision of sufficient details prior to determination of the application would remove the need for a pre-commencement condition.

The Site Plan also identifies that each plot boundary will comprise a 1.8m high feather edge timber fence. Poorly designed and installed boundary features are considered highly detrimental to hedgehog populations because they hinder commuting, foraging and dispersal. Hedgehog is included on the Environment (Wales) Act 2016, s7 list of species of priority conservation importance within Wales. Therefore, in accordance with Powys LDP Policy DM2, all permanent fencing installed as part of a development is required to include gaps of sufficient size and number at ground level to enable hedgehogs to move through sites.

Access points comprising gaps of 130mm x 130mm (5" x 5") should be created within the fence line at ground level with at least one gap along each aspect of every fenced boundary. If gravel boards are to be used, hedgehog friendly designs are available and should be used.

It is, therefore, recommended that provision of hedgehog friendly fencing within the proposed development scheme is secured through an appropriately worded planning condition. Provision of sufficient details prior to determination of the application would

remove the need for a pre-commencement condition.

Therefore, should you be minded to approve the application without submission of further information I recommend inclusion of the following further conditions:

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

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each fenced aspect of the boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

PCC-(N) Land Drainage

14th Oct 2020

All: Having assessed the Planning Application Ref 20/1338/RES, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB



approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

### PCC-Schools Service

No comments received at the time of writing this report.

### Community Council

30th Sep 2020

Council has no objections to this application but wishes to highlight the following:

Comment: There remain some community concerns with regard to the size of the development and the potential affect that it may have on the village, as Sarn is a very small community. However as outline approval has already been granted we acknowledge that the design appears to be sympathetic to surrounding properties and has preserved the oak trees, which had been requested previously.

Flood concerns:

1. We have all witnessed flooding at the proposed site, in fact in some years it has been quite extensive - to that end the Sarn councillors would like it noted that we have ongoing concerns related to potential future flooding given the uncertainty surrounding climate change.
2. The proposed site (pre-development) currently provides some flood attenuation to the surrounding area - what measures are in place to ensure that the development does not have an adverse effect on existing properties/ infrastructure adjacent to the site?
3. The indicative flood attenuation measures on the plan - what are they designed to achieve?
4. Essentially, we would like to be assured that the flood mitigation plans for the site are designed to ensure that neither the site nor the adjacent areas will be affected by future flooding post construction.

Scope of development in Sarn Village:

On the basis that the above application is approved and proceeds as planned this will increase the number of homes in Sarn Village by over 50 (including the new agricultural cottages), this is a significant increase for the size of the village. As Sarn is classed as a

small village with regard to PCC Land Development may we formally request that, subsequent to the approval of this application, no further developments are considered in Sarn for 10 years post construction of these 45 properties.

Sarn Village does not have the infrastructure to support increased expansion and the character of the village will be adversely altered if more development is approved.

### PCC-Building Control

No comments received at the time of writing this report.

### **Representations**

Following the display of a site notice on 13/01/2022 and publication in the County Times on 18/09/2021, one public representation has been received at the time of writing this report. A summation of the points raised are detailed below:

- Has sewerage been considered? Problems along Min y Sarn

### **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/2016/0722	Outline application for residential development and associated infrastructure with all matters reserved	Consent	13th Sep 2017

### **Principal Planning Constraints**

Right of Way

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy

TAN12	Design	National Policy
TAN 15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Developments Within	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
H7	Householder Development	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGOBS	Planning Obligations SPG (2018)	Local Development Plan 2011-2026

## **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

## **Officer Appraisal**

### Site Location and Description

The application site is located within the Community Council area of Kerry and adjacent to Sarn which is defined as a small village by the Powys Local Development Plan (2018). The application site is a single agricultural field incorporating three mature oak trees with existing residential development lying to the north, east and west.

Outline consent was granted consent by Planning Committee for the residential development and associated infrastructure with all matters reserved under planning reference P/2016/0772. The number of dwellings secured was 45 units with a 20% affordable housing contribution with open space to be provided within the development site.

Consent is sought for the approval of the reserved matters under planning permission P/2016/0722, namely access, appearance, landscaping, layout and scale in relation to the residential development of 45 units.

The proposed development includes the following housing types:

- 4 x 3 bed bungalows (Oak Bungalow)
  - o Plot 1 – 79.4sqm
  - o Plot 7 – 80.3sqm
  - o Plot 43 – 79sqm
  - o Plot 45 – 80.3sqm
- 4 x 3 bed dwelling (Elm)
  - o Plots 2, 5, 33 & 42 – 81.2sqm
- 4 x 2 bed bungalow (Hawthorn Bungalow)
  - o Plots 3 & 28 – 69.8sqm
- 3 x 3 bed dwelling (Larch)
  - o Plots 4, 31 & 35 – 88.6sqm

- 6 x 3 bed dwelling (Willow)
  - o Plots 6, 23, 34, 38, 41 & 44 – 76.5sqm
- 10 x 2 bed dwelling (Alder – Semi-detached)
  - o Plots 8-11, 18, 19, 24-27 – 60.8sqm
- 9 x 2 bed dwelling (Alder – Terrace)
  - o Plots 12-17 & 20-22 – 60.8sqm
- 5 x 4 bed dwelling (Maple)
  - o Plots 29, 30, 36, 37 & 40 – 124.7sqm

### Principle of Development

By way of background to the application site, consent was previously sought and granted under planning consent P/2016/0722 in outline for the erection of up to 45 on Land Adjacent Shop Lane, Sarn, Newtown, Powys. It is therefore considered that the principle of development has been appropriately considered under this previous outline consent for 45 dwellings. All that is now outstanding is the reserved matters which will be addressed as follows:

### Density

Policy H4 of the Local Development Plan seeks to ensure that all housing development proposals should seek to make the most sustainable and efficient use of land. The density for any proposed housing development should be in accordance with the guide ranges as indicated within the policy. Densities may be varied where justified by evidence of local circumstances or constraints.

Sarn is identified as being a Small Village under the Local Development Plan therefore in line with policy H4 a density of 20-25 units per hectare is anticipated. The site area in question measures approximately 1.92ha. In line with policy H4 a requirement of between 38-48 units is required. It is therefore considered that a density of 45 dwelling for the site as proposed and secured at outline (condition 14) is appropriate for the site and in accordance with relevant planning policy.

### Access

Policy DM13 part 10 states that development proposals should meet all highway access requirements and parking standards. A safe access and parking are a fundamental requirement of any development of any development. Consent has been sought for the provision of a new vehicular access off the C2053 (Shop Lane).

The Authority's Highways Officer has been consulted to consider access and has had previous discussions with the agent and has reviewed additional information on the matter. The Highways Officer, having considered the latest set of information, notes that due to SAB and amenity requirements, the carriageway of Road 2 and the internal footways have been reduced in width to accommodate the required highway infrastructure. Whilst this is the case, Highways have worked with the applicant to

ensure that the infrastructure complies with Manual for Streets, the Active Travel Act Guidance and the Common Standards Guide.

Based on the latest set of information, the Highways Authority have raised no objection to the proposed development, subject to conditions in respect of access, visibility, highway works, parking, footway, drainage and the retention of garages for parking of vehicles be attached to any granting of planning permission. Officers consider the proposed conditions to be appropriate and reasonable and will therefore be attached to any granting of planning permission.

In light of the above and subject to the proposed conditions, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Appearance & Layout

The Powys Local Development Plan's (2018) policies H3 and DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a good design and have consideration to the surrounding area. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy H3 states that housing development proposals must be of an appropriate scale and is supported by Policy DM13 of the Powys Local Development Plan which states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

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

Consent is sought for a mixture of dwellings featuring semi-detached, detached, terraces and bungalows. The range of housing types across the site is welcomed and will provide a benefit visually as the range of design will help break up the uniformity of a housing development site. The varying mix of dwellings design is welcomed and compliant with LDP policy H3 of the Powys.

The proposed residential development provides a range of housing types with existing two storey residential development directly to the north of the site which the proposed development will complement.

Given the range of housing types provided, a range of materials have also been proposed to enhance the character of the development and provide a visual break between property types. The materials proposed include:

- White UPVC casement windows,
- Brickwork Hanson Cadeby Red Multi

- Roof Tiles Marley Modern Smooth Grey
- Orange ridge tile
- White painted aluminium/upvc French doors
- Black upvc rainwater goods
- Timber stable effect entrance door in black
- Fascia and soffits in black
- Grey Colour Casement upvc windows
- Garage doors in black
- Cream colour render

The materials proposed are typical of a range of materials evident across Sarn and would be considered to reflect the character of the local area and therefore appropriate for the proposed development.

The indicative site layout details a main access with cul-de-sacs, consistent with other residential developments in the surrounding area. The dwellings have been appropriately orientated on site to provide natural overlooking to communal areas. The proposed development is considered to be a well thought out design making best use of the land available for the intended purpose and constraints. Areas for play and have been suitably located for easy access with other informal areas of green space present across the site which help provide a visually interesting development.

In light of the above it is considered that the proposed development complies with relevant planning policy.

### Scale

Policy H3 of the LDP states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs.

The proposed development will consist of a mixture of 1-, 2-, 3- and 4-bedroom properties. It is considered that the scale of dwellings proposed meet a range of housing needs and will help provide affordable dwellings within Sarn and the surrounding area. Given the scale of the dwellings proposed, officers consider that the scheme put forward is therefore capable of securing the 20% contribution of affordable dwellings as the majority of the dwellings meet the size requirements as stated within the Affordable Housing SPG.

It is therefore considered that the scale and housing types proposed fundamentally comply with relevant planning policy.

### Landscaping

An indicative landscaping scheme has been submitted in support of this application which shows the retention of the three mature oak trees on site along with additional



tree and shrub planting and boundary hedgerows. The landscaping plan also provides a planting schedule, maintenance and aftercare measures which are considered appropriate in order to ensure the landscaping measures have opportunity to integrate with the site.

Officers note that condition 10 of the outline planning permission, P/2016/0722, amongst other things secured that a Hedgerow Protection Plan be submitted. The discharge of this condition is still required, however the retention of existing hedgerow along with provision of additional tree and shrub planting across the site is considered appropriate landscaping measures given the nature of development proposed. It is considered that the proposed development can be appropriately landscaped ensuring that the proposed dwellings are well incorporated into the surrounding area.

#### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design SPG & LDP: DM13 (Part 11).

Having considered the proposed layout of the residential development and the proposed landscaping plan it is not considered the proposed residential development would adversely impact any neighbouring amenities in terms of loss of light and loss of privacy or overlooking. It is not considered that the proposed development will have a detrimental impact on the amenities of any neighbouring properties given the distances between and the existing and proposed landscaping measures.

The layout of the scheme has been well designed to ensure that there are no blank frontages with natural overlooking of amenity areas by the positioning of dwellings to maintain safety and security. The formal play area is sufficiently distanced from the proposed dwellings to reduce any potential impact on amenity.

It is noted that a number of conditions were attached to the outline planning consent P/2016/0722 in respect of amenity which are still considered relevant and will require to be separately discharged. The conditions relate to working hours and noise and dust control.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Public Open Space

Policy DM3 of the Local Development Plan seeks to ensure that provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings.

The type and nature of the provision will be determined by the deficiencies identified in

the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

A condition was attached to outline consent P/2016/0722 which stated that:

*Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.*

The provision of recreational facilities is proposed within an area of landscaped public open space located on the north-eastern side of the development site.

The scheme of on-site recreational facilities proposed accords with the Fields in Trust Standards for housing developments of 10 – 200 dwellings, comprising:

- A Local Equipped Area for Play (LEAP) – a 20m x 20m area of open space specifically designated to be provided with features including equipment for children who are beginning to go out and play independently close to where they live.

The LEAP is located within a large (0.23ha.) area of public open space that will provide significant recreational opportunities.

The recreational facility shall be managed by a Management Company appointed to manage and maintain the facilities, securing the recreational facilities in perpetuity. Officers note that no information has been submitted which details when the management company will be set up or the timing of the construction of the LEAP area and the timeframe of completion in relation to the housing works. Officers therefore consider that this condition has not been satisfied in accordance with the submitted information and a further condition will therefore be attached to any granting of reserved matters planning permission to secure this information prior to development commencing on site.

In light of the above and subject to a condition securing the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

It is noted that ecological matters were previously considered at the outline stage of the development. The Ecologist has been consulted on this application and noted that conditions 9 and 10 of outline approval P/2016/0722 remain valid.

The submitted Planning Statement mentions that information has been submitted to enable discharge of the pre-commencement planning conditions 9 and 10. The Ecologist has been consulted on the information submitted, and notes that no information has been submitted in relation to condition 10 and having reviewed the Extended Phase 1 Habitat Survey submitted at outline, it is considered that the information required to be submitted to satisfy condition 10 is still required as this demonstrates compliance with parts of condition 9.

The tree protection measures provided are not sufficiently detailed and must demonstrate compliance with BS: 5837:2012 in relation to design, demolition and construction.

The external lighting design scheme must demonstrate compliance with the recommendations outline in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

The preparation of a Pollution Prevention Plan should refer to the relevant guidance including GPP1 and GPP5.

The submitted information also makes reference to the use of netting to exclude nesting birds from any hedgerow to be removed. Best practice guidance on this matter has been updated and this is no longer considered appropriate.

Biodiversity enhancement measures have been put forwarded which are considered suitable, however it is noted that the 'surface water ecological swale' is proposed as part of the SuDs design. However, sufficient information must be provided to the LPA and features of wildlife enhancement measures proposed as part of the development should be clearly identified and detailed on submitted plans (i.e. locations, dimensions, numbers, species, etc. included) and be achievable.

Given that insufficient information has been submitted in order to discharge condition 10 of the outline planning permission this condition will remain valid and will require discharge by a separate application.

The Ecologist, having reviewed the landscaping measures noted that a number of trees and landscaped areas are proposed along with a new native species hedgerow along Shop Lane, but no further information was provided. Officers note that a revised Landscaping Scheme has been provided which clearly demonstrates the species mix, planting and aftercare measures required which is now considered appropriate and will therefore be conditioned with any granting of planning permission.

The site plan also indicates that each plot will comprise a 1.8m high feather edge timber

fence. Poorly designed and installed boundary features are considered highly detrimental to hedgehog populations because they hinder commuting, foraging and dispersal. Hedgehog is included on the Environment (Wales) Act 2016, s7 list of species of priority conservation importance within Wales. Therefore, in accordance with Powys LDP Policy DM2, all permanent fencing installed as part of a development is required to include gaps of sufficient size and number at ground level to enable hedgehogs to move through sites. The Ecologist has therefore recommended that provision of hedgehog friendly fencing within the proposed development scheme is secured through an appropriately worded planning condition.

In light of the above and subject to a condition securing the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Countryside Services

The application site is crossed by one public right of way which leads through the northern side of the site. Countryside Services have been consulted on the proposed development however no comments have been received at the time of writing this report. Officers note the proposed layout plan has made provision for re-routing the right of way through the site. The re-routing of a right of way is dealt with by separate legislation outside of the planning process. Officers will therefore include the Right of Way informative with any granting of planning permission which details the legal requirements in respect of Rights of Way.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Drainage and Surface Water

The application site proposes to dispose of foul flows by mains sewer with a condition in respect of this having been included with the outline planning consent. This condition requires formal discharge which will be dealt with by a separate application.

The application site is in excess of 100sqm meters and therefore SUDs approval by the SAB will be required, which has been introduced since the outline planning consent was granted. Officers note that the site is also subject to surface water flooding with conditions attached at the outline planning consent in respect of surface water which will also be required to be discharged by a separate application. There are also assets belonging to PCC in respect of surface water which cross the site with the safeguarding of these to be controlled by the conditions attached to the outline planning consent.

### Conclusion

Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the recommendation is

one of approval in line with the conditions as set out below.

## **RECOMMENDATION**

Approve

### Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out in accordance with the following approved plans and documents:
  - PL05 Sarn Powys Proposed Layout Rev D
  - PL10 Hawthorn type 1 rev A
  - PL11 Hawthorn type 1 Handed rev A
  - PL12 Hawthorn type 2 rev A
  - PL13 Hawthorn type 3 rev A
  - PL20 Oak type 1 rev A
  - PL21 Oak type 2 rev A
  - PL22 Oak type 2 Handed rev A
  - PL23 Oak type 3 rev A
  - PL30 Alder Semi-Detached rev A
  - PL31 Alder Terrace rev A
  - PL32 Alder Terrace Handed rev A
  - PL40 Willow type 1 rev A
  - PL41 Willow type 1 Handed rev A
  - PL42 Willow type 2 rev A
  - PL43 Willow type 3 rev A
  - PL50 Maple type 1 rev A
  - PL51 Maple type 1 Handed rev A
  - PL52 Maple type 2 rev A
  - PL60 Elm type 1 rev A
  - PL61 Elm type 1 Handed rev A
  - PL70 Single Garage rev A
  - PL80 Larch type 1 rev A
  - PL81 Larch type 1 - Handed rev A
  - OV-PL-300 Rev B – Proposed Levels & Kerbing
  - OV-LS-301 Rev B – Longitudinal Section
  - OV-VB-302 Rev D – Visibility and Bus Shelter
  - OV-RT-303 Rev D – Refuse Tracking Plan
  - OV-GA-304 Rev B – General Arrangement Plan
  - OV-GA-305 Rev C – General Arrangements Plan
  - Planning Statement August 2020

- Sarn, Powys Proposed LEAP Play Area
  - Application Form
3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The 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.
  4. No other development shall commence until the access has been 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. 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.
  5. Upon formation of the visibility splays as detailed 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.
  6. Upon the construction of the access as Condition 4 above the existing means of access onto the C2136 shown on Drawing Number OV-RT-303 Rev D (northwestern roadside frontage onto the C2136) 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.
  7. Notwithstanding the submitted details, within 10 days from the commencement of the development detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
  8. Prior to first occupation of any dwelling on the site, a 20mph Zone shall be implemented that covers the internal estate road.
  9. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative

materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

10. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan OV-RT-303 Rev D. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. Prior to the first occupation of any dwelling hereby approved the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
12. Prior to the first occupation of any dwelling, the footway works shown on Drawing Number OV-VB-302 Rev D along the A489, 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.
13. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
14. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
15. Any vehicular entrance gates installed within the application site 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.
16. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 20 and shall be retained at this gradient for as long as the dwellings remain in existence.
17. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

18. No surface water drainage from the site shall be allowed to discharge onto the county highway.
19. Notwithstanding the details submitted, prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and position. The approved scheme shall be implemented in full and maintained thereafter.
20. Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each fenced aspect of the boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be maintained thereafter.
21. Notwithstanding the submitted information regarding recreational facilities, prior to the commencement of development a scheme outlining the long-term management of the play area together with the timing of construction and completion in relation to the housing units hereby permitted shall be submitted to the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.
22. Within 3 months of the play area having been constructed, details of the management company shall be submitted to the Local Planning Authority.
23. In relation to the affordable dwellings (Plots 12, 13, 14, 15, 16, 17, 20, 21 and 22) the provisions of schedule 2, part 1, classes A, B, C, D 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), no extensions, alterations, alterations to the roof etc shall be erected other than those expressly authorised by this permission.

## Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.



2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
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6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
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15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
17. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
18. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
19. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
20. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
21. In order to secure adequate amenity space in accordance with policy DM3 of the Powys Local Development Plan (2018).
22. In order to secure adequate amenity space in accordance with policy DM3 of the Powys Local Development Plan (2018).

23. In order to control further development which has the potential to impact upon the affordability of the dwelling in accordance with the Powys Local Development Plan (2018), Supplementary Planning Guidance Affordable Housing (2018) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and to minimize the impact of the development upon the landscape in accordance with Planning Policy Wales and Policy Dm4 of the Powys Local Development Plan (2018).

## **Informative Notes**

### Highways

#### Advisory Notes

The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of the requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage. Further information relating to Traffic Regulation Orders can be found in Section E of the CSS Wales Common Standards Guide 2020.

All off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section E of the CSS Wales Common Standards Guide 2020.

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Section E of the CSS Wales Common Standards Guide 2020.

**NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;**

1. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
2. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
3. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk>

Street Works  
Powys County Hall  
Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG  
0845 6027035

### Sustainable Drainage

All: Having assessed the Planning Application Ref 20/1338/RES, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

### Rights of Way

- **Development** over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores

the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- **Landscaping & Surfacing** - Advice will need to be sought before interfering or surfacing a public right of way.
- **New fencing or boundaries** – The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- **Temporary closures** – The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- **Legal Diversion** – If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

## Biodiversity

### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted by phone at 0300 065 3000.

### 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 on 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.

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