



**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure)  
(Wales) Order 2012 (as amended)**

**Application P/2016/1227 for Full Planning Permission**

**Powys County Council  
Mr Simon Kendrick  
Engineering Design Services  
County Hall  
Spa Road East  
Llandrindod Wells  
Powys LD1 5LG**

**Applicant: Powys County Council**

In pursuance of its powers under the above-mentioned Act and Order Powys County Council (hereinafter called "the Council") as local planning authority hereby gives you notice that **FULL PLANNING PERMISSION** is **GRANTED** for the following development, namely:-

**Change of use of land to form a Gypsy and Traveller Site for 5 families to include erection of 3 buildings to house welfare facility units, improvements to existing vehicular access shared with cemetery, formation of footway link and internal roadway, installation of a sewage treatment plant and all associated works Land adjoining cemetery, Machynlleth**

In accordance with the application and plan submitted to the Council on 05/12/2016 subject to the conditions specified hereunder:-

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and documents stamped as approved (2550 L\_001, PL\_001A, PL\_002A, PL\_003B and PL\_004B).
3. The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 3 of Circular 30/2007 and their resident dependents.
4. There shall be no more than five pitches on the site hereby approved with no more than ten caravans being stationed at any time, of which only five shall be static caravans.
5. Prior to the occupation of the site for the development proposed, the site must be raised to a minimum level of 18.4m AOD and remain as such over the lifetime of the development.

6. 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 pitches are occupied.
7. The reptile reasonable avoidance measures detailed in Appendix 1 of the Extended Phase 1 Habitat Survey Produced for Powys County Council by Rachel Probert (PCC) dated 16/01/17 shall be adhered to and implemented in full.
8. The recommendations regarding nocturnal wildlife, breeding birds, reptiles, hedgerows, woodland and watercourse identified in Section 10 of the Extended Phase 1 Habitat Survey Produced for Powys County Council by Rachel Probert (PCC) dated 16/01/17 shall be adhered to and implemented in full.
9. Prior to commencement of development, a Biodiversity Enhancement Plan (see Section 10.8 of the Ecology Report, 16/01/17) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter. The scheme shall include a Species List for the Landscape Planting.
10. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
11. Prior to commencement of development, a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
12. 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, implemented as approved and maintained thereafter.
13. In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.
14. The centre-line of any existing hedge-row or fence must be positioned not less than 1.0m to the rear of the visibility splay line in both directions.
15. The access shall be at right angles to the trunk road carriageway for a distance of at least 15m, over which it shall not exceed a gradient of +/- 4%.
16. Any gate provided shall be set back at least 5.0m from the trunk road boundary and hung so as to open inwards.
17. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

18. The width of the proposed means of access shall be 6.3m (minimum) for at least the first 15m from the trunk road boundary. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5.0m from the running edge of the trunk road carriageway.
19. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.
20. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
21. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB).
22. The access shall be laid out and constructed strictly in accordance with the approved plan (PL\_004 Revision B).
23. No development shall commence until full engineering details and drawings to reflect the flood risk mitigation works recommended in WHS' FCA report dated March 2017, have been submitted and approved in writing by the Local Planning Authority. These details shall include the agreed scheme for the Nant yr Adrian watercourse approved by the Local Lead Flood Authority. The flood risk mitigation works shall be operational prior to the first occupation of the site.
24. 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 plots are occupied.

### **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. To define the extent of the permission hereby granted in accordance with policy HP20 of the Powys Unitary Development Plan (2010).
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5. To ensure that the site remains flood free and does not pose a risk of flooding in accordance with Technical Advice Note 15 (2004).
6. To ensure that the proposed development does not compromise the function of the existing surface water drainage systems and that any proposed alterations are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.

7. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV6 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.

8. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV6 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.

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13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (2010).

14. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).

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22. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).

23. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

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## **Informative Notes**

### Building Regulations

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

### Welsh Government Trunk Road

The following points should be brought to the attention of the applicant:  
1) The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

2) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

3) Any adjustment, re siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

4) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority.

5) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

6) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh

Government specifications, see following link for standard details; [http://www.trafficwales.com/traffic\\_signs.aspx](http://www.trafficwales.com/traffic_signs.aspx)

The date on which this permission is **GRANTED** is 1<sup>st</sup> August 2017.

A handwritten signature in black ink, appearing to read 'Sue Bolter', with a small flourish at the end.

**Sue Bolter**  
**Pennaeth Adfywio, Eiddo a Chomisiynu /**  
**Head of Regeneration, Property & Commissioning**

## **Notes**

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the National Assembly in accordance with Section 78 of the Town and Country Planning Act 1990. If the application is for householder development or minor commercial development you have 3 months to appeal, for any other applications or appeals against conditions you have 6 months to appeal. Appeals must be made on a form obtainable from the Planning Inspectorate, Cathays Park, Cardiff CF10 3NQ. The National Assembly has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The National Assembly is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. It does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by it.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the National Assembly, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the National Assembly on appeal or on a reference of the application to it. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. Failure to adhere to the details of the approved proposals for development contained in this application or to comply with any conditions or limitations subject to which this permission was granted will constitute a breach of planning control which may result in the local planning authority serving an enforcement notice requiring the breach to be remedied under Section 172 of the Town and Country Planning Act 1990.

P/2016/1227

**IMPORTANT – Please read carefully the notes below**

Failure to comply could make the development hereby permitted unauthorised.

- 1) This consent is granted in strict accordance with the approved plans:
  - a) **ANY VARIATION** from the approved plans after commencement of the development, irrelevant as to the degree of variation, will be constituted as unauthorised development and may be liable to enforcement action.
  - b) You or your agent or any other person responsible for implementing this permission should inform the Case Officer immediately of any proposed variation from the approved plans and you or they will be informed as to the best method to resolve the matter.
- 2) This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond:
  - a) If there is a condition that requires work to be carried out or matters to be approved prior to the commencement of the development this is called a “condition precedent”.
  - b) If a “condition precedent” is not complied with, the whole of the development will be unauthorised, you may be liable to enforcement action
  - c) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the breach is the submission of a new application.
  - d) If any other type of condition is breached then you will be liable to a Breach of Condition Notice.

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