

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod
**Siambwr y Cyngor - Neuadd y Sir,
Llandrindod, Powys**

Dyddiad y Cyfarfod
Dydd Iau, 16 Tachwedd 2017

Amser y Cyfarfod
9.30 am



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

I gael rhagor o wybodaeth cysylltwch â
Carol Johnson
01597826206
carol.johnson@powys.gov.uk

15/11/2017

AGENDA

1.1. Diweddariadau

Bydd unrhyw ddiweddariadau yn cael eu hychwanegu i'r Agenda fel
Pecyn Atodol, lle bynnag bo hynny'n bosibl, cyn y cyfarfod.
([Tudalennau 1 - 48](#))

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

4.1

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0530	Grid Ref:	326880.85 318533.03
Community Council:	Llandysilio	Valid Date:	Officer: 19/05/2017 Tamsin Law
Applicant:	Mr Mervyn Jones		
Location:	Land West of the Street, Four Crosses, Powys, SY22 6RE		
Proposal:	Outline: Residential development, formation of vehicular access and estate roadway together with all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for the update

A statement has been provided by the agent which is copied below.

When objecting to planning applications, people will often say that they do not believe there is demand or need for new houses. This is absolutely not the case.

Since the housing crash in 2007, very few new homes have been delivered against successive Governments' targets. There is now huge pent-up demand. People in their mid-to-late teens in 2007 are now at the stage where they are looking to purchase their first home. New homes are therefore urgently needed to make up this backlog in delivery.

The Applicant can confirm that agreement has been reached in principle for a local developer, Primesave Properties (based in Shrewsbury), to acquire the site, should planning permission be granted. A formal Option Agreement is currently being prepared.

Should Outline planning permission be granted, it is anticipated that a Reserved Matters application will be submitted within approximately 6-8 weeks. Development will commence as soon as possible after the necessary approvals. Primesave do not bank land - they deliver houses for sale quickly, in response to very high demand at the moment, on all sites.

Primesave also specialise in properties at the lower end of the market, and have several developments planned and already under way in the area. Their experience is that there is substantial unmet demand in the area for smaller more affordable 2 and 3-bedroom properties.

They are currently developing a site in Llanymynech – just a few miles up the road. Phase 1 of this development (11 homes) was recently released. Construction had barely got out of the ground when all but 1 of the properties were sold.

Primesave therefore had to bring phase 2 forward for a further 13 homes. These have not been officially released yet, but they already have 50% reservations. An increasing percentage are local buyers.

Primesave offer a no-deposit reservation for first-time buyers, with additional time allowed for buyers to save for the contractual deposit.

At their recent development in Penley near Wrexham, Primesave were offering 2-bed semi-detached houses at £119,500. These were all reserved before work had barely got under way. If approved, prices at Four Crosses will be the same.

Their small 3-bedroom detached homes are always competitively priced (similar to other developers' 3 bed semi-detached prices). This allows allow young families and first-time buyers the chance to get a detached home straight away.

Primesave are based nearby, and all of their labour force for this development will be Powys-based.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

4. The gradient of the access shall not 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.
5. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be 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.
6. 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 90 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.
7. 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.
8. Prior to the occupation of the development, provision shall be made within the curtilage of each dwelling for the parking of vehicles in line with CSS Wales 2008 Parking Standards. The parking areas shall be retained for their designated use in perpetuity.
9. The gradient from the back of the footway/verge to the vehicle parking areas shall not exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the -site may park within the site and both enter and leave the site in a forward gear.
11. No building shall be occupied before the estate road carriageway and one footway are constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
12. The estate road carriageway and all footways shall be fully completed, to a standard 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. Prior to the first use of the new access provided 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.
14. Upon formation of the visibility splays as detailed in 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.
15. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

16. The mitigation described in section 4.3.2 habitats, 4.4.2 badgers and 4.4.3 bats as outlined in the Ecological Assessment completed by Turnstone Ecology shall be implemented and completed in full accordance with the details as approved.

17. Prior to the commencement of development a pollution prevention plan shall be submitted to and approved in writing by the Local Development Plan. Development shall thereafter be completed in full accordance with the details as approved.

18. 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 30% 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 [or the management of the affordable housing (if no RSL involved)];
- 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.

19. Prior to the commencement of development a phasing scheme for the provision of housing and affordable housing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

20. No development shall commence until a scheme, including an implementation scheme, for the connection with the public foul sewerage system has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

21. Prior to the commencement of development a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development.

22. Prior to the first occupation of the any dwelling on site Section 4.5 Residual Risks and in particular options 1 and 3 of the Flood Consequence Assessment (Ref K0795/2 Rev) (July 2017) shall be completed and implemented in full in accordance with the details as approved.

23. No permission is hereby granted for any ground raising within the southern section of the red line boundary.

24. The affordable dwellings shall have a maximum gross floor area of 130 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.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
17. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
18. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
19. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
20. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy DC10 of the Powys Unitary Development Plan (2010).
21. In order to ensure adequate land drainage is provided in line with policy DC13 of the Powys Unitary Development Plan (2010).
22. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
23. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
24. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Principal Planning Policies

Planning Policy Wales (Edition 9, November 2016)

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

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

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12 Design (2016)

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

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

Local planning policies

Powys Unitary Development Plan (2010)

SP5 – Housing Developments

SP14 – Development in Flood Risk Areas

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

HP4 – Settlement Development Boundaries and Capacities

HP6 – Dwellings in the Open Countryside

HP10 – Affordability Criteria

HP14 – Sustainable Housing

DC11 – Non Mains Sewerage Treatment

DC13 – Surface Water Drainage

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

This update report is to provide additional comments received from the Ecologist and to consider the points raised within the letter of objection.

Biodiversity

Additional information has been received from Powys County Council's Ecologist which confirms that there would not be an impact on the Afon Gwy SAC. The Ecologist confirmed that there would not be a likely impact due to the ephemeral nature of the stream (which appears to act as a grassy swale), the grass buffer between the construction site and the stream as well as the distance of 750m between the site and the SAC with no discernible permanent water pollution pathways present. The Ecologist confirmed that in this instance it was considered that there would not be a requirement to undertake a HRA.

In light of the above the proposed development complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note (TAN) 5 and Planning Policy Wales (Edition 9, November 2016).

Concerns raised by members of the Public

Functional Test – It is considered that sufficient evidence has been submitted with the application to prove that there is a functional requirement for a dwelling in this location. The applicants have indicated that a residential accommodation adjacent to the business is essential for its continued running and expansion as it will enable the applicant to invest more time in the running of the business. The functional need is principally determined by the nature and scale of the enterprise operated and the agricultural systems employed. This business operates a free range egg enterprise of some 12 000 free range eggs which has a labour requirement of 2.4 full time workers, based on standard data from Poultry Farm Management Information. The availability of supervision is necessary to ensure that the business regulations 1994 and in the case of Poultry Enterprise, the Code of Recommendation for the Welfare of Laying Hens and adhered to.

In light of the above it is considered that there is a functional requirement for a dwelling in this location within close proximity to the current enterprise.

Flooding – The issue regarding flooding has been considered within the original report. For ease of reference it is repeated below:

Policy SP14 of the Powys UDP refers to development in flood risk areas. The proposed development is within the C2 flood zone and is considered as highly vulnerable development. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones. Natural Resources Wales (NRW) been consulted on the proposed development. NRW initially stated that they required an updated hydrological model and an updated FCA in order to determine the depth of flooding so as to advise on the finished floor levels and confirmed from the outset that there is not a problem with flood storage in this location. NRW confirmed that the site lies partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Dulas within the C2 flood zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk.

Following the submission of a Flood Consequence Assessment (FCA) NRW were re-consulted and confirmed that they would no longer object to the proposed development subject to the attachment of an appropriately worded condition to address their concerns. The condition will ensure that the finished floor levels are set at a minimum of 218.37 metres

AOD. NRW have stated that there are no significant concerns with the outputs from the modelling exercise and are considered acceptable to support the development. NRW have recommended that the applicant register to the NRW flood warning service.

In light of the above advice received from NRW and the submitted FCA it is considered that the proposed development fundamentally complies with policy SP14 of the Powys UDP and TAN15 subject to the attachment of an appropriately worded condition.

Site Location – Given that the proposed development would replace the existing temporary mobile home and would be located to the south of the existing poultry unit. The dwelling will be finished using oak timbers and brick under a natural slate roof and therefore complement the existing character and appearance of the surrounding area and rural setting. The dwelling will lie to the south of the existing poultry unit and provide an additional screening effect to the existing poultry unit and will tie into the surrounding landscape and residential properties.

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

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same which is one of conditional consent.

Conditions

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 stamped as approved on XX/XX/XX (drawing no's: 2016/03/07, 2016/03/08, 2016/03/06, 2016/03/05, 2016/03/02, 2016/03/01, 2016/03/09 & 2016/03/03).
3. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars. The parking areas shall be retained for their designated use in perpetuity.
4. The mitigation and enhancement regarding bats, otters, badgers, reptiles, amphibians and nesting birds in Section 8 of the ecological report by Mid Wales Ecology dated April 2017 shall be adhered to and implemented in full.
5. A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
6. 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.
7. The Species List for the Landscape Planting contained within Section 8 of the ecological report by Mid Wales Ecology (April 2017) shall be implemented as approved and maintained thereafter.
8. Finished floor levels should be set at a minimum of 218.37 meters above Ordnance Datum.
9. The occupancy of the dwelling shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.

11. Within two months of occupation of the new dwelling hereby approved, the existing temporary mobile home on the site, shall be removed.

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 UDP Policy GP1 and GP4.

4. 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.

5. 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.

6. 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.

7. To comply with Powys County Council's UDP Policies SP3 and ENV3 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 protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.

9. The dwelling is proposed for a site which would not normally be permitted other than for the running of the defined rural enterprise in accordance with the requirements of policy HP6 of the Powys Unitary Development Plan.

10. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

11. To prevent the establishment of separate use in the interests of privacy and amenity in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Otters – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0815	Grid Ref:	311728.83 263867.71
Community Council:	Penybont	Valid Date:	Officer: 13/07/2017 Kevin Straw
Applicant:	Brightwells Ltd, 33 High Street, Builth Wells, Powys, LD2 3DL.		
Location:	Land off Old Market Meadows, Penybont, Llandrindod Wells, Powys, LD1 5US.		
Proposal:	Outline: Residential development for up to 5 dwellings with garages, formation of access road and all associated works.		
Application Type:	Application for Outline Planning Permission.		

REPORT UPDATE

Following my previous report circulated to Members the recommended conditions have been updated to include a condition securing the affordable dwellings to 130 square meters and also removing permitted development rights (now Condition 9). The recommendation therefore remains one as per my previous report.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

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. A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):

Bedrooms (23.00-07.00 hrs) 30dB LAeq, 8 hour and 45dB Lmax (fast)
Living/dining Rooms (07.00-23.00 hrs) 35dB LAeq, 16 hour and
Living/Dining Rooms (23.00-07.00 hrs) 30dB LAeq, 16 hour.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved. They shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

5. The Pollution Prevention Plan produced by Asbri Planning dated September 2017 shall be adhered to and implemented in full and maintained thereafter.

6. 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.

7. Prior to the first installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

8. 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 30% 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 [or the management of the affordable housing (if no RSL involved)];
- 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.

9. The affordable dwellings shall have a maximum gross floor area of 130 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.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure appropriate internal acoustic amenity levels for future residents.
5. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 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.
6. 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 Part 1 Section 6 of the Environment (Wales) Act.
7. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
8. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)
9. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Informative Notes

Common Land

The Applicant should therefore ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the development i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

NRW

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.

Case Officer: Kevin Straw - Planning Officer
Tel: 01597 827092 E-mail:kevin.straw@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Committee Update – P2017 0874

Erection of 7 dwellings and
associated works at Land
adjacent to Derwen, Llanerfyl.

Prepared for Mrs S Roberts



land & property
professionals

Roger Parry & Partners LLP
www.rogerparry.net
welshpool@rogerparry.net
Tel: 01938 554499

Update Statement

This update statement is in connection with the application P2017 0874 for 7 dwellings and associated works at Land opposite Llanerfyl Village Hall, Llanerfyl.

In order to be open and transparent, I confirm I'm an existing resident in the heart of the village, living opposite this development site and have strong family ties in the village and therefore I have in depth knowledge of this village. I was fortunate enough of finding a small one-bedroom property in the village to rent over 3 years ago of which I was lucky enough to be given the opportunity to purchase last year. These opportunities do not come around often enough in this village for young local people as per myself.

In the past, the applicant has attempted to support young local people in selling discounted plots to them adjacent to the development boundary, of with no less than 4 young local couples (including the one objector to this scheme) acquiring land from the applicant to build their own houses in the 90's and early 2000's. These are depicted on the attached plan.

We commend the officer's report on its detail, which sets out the considerations well, and which ultimately recommends approval for this minor housing scheme. We also note that the Community Council have confirmed that there are not against development on this land, as stipulated on their first response.

Having said this, we feel the need to clarify and address some points raised by the Community Council and 3 representations submitted as part of the planning process, and offer some updates to the planning committee.

Housing Land & Sales

The Community Council and one representor have commented that the village has a NUMBER of properties on the market, which shows the lack of demand.

Out of approximately 80 properties within the Development limits of Llanerfyl, and on the day of writing this statement, there are only 3 properties for sale within the village. One being a Chapel Conversion, which is overpriced at £200,000, the other a barn conversion again overpriced at £199,950 and situated a metre from the trunk road, and the last one a grade 2 listed building again a metre from the trunk road and priced at £150,000.

In light of the above, there is not 'sufficient' available properties which are suitable for young local people to purchase in the village and this proposed application can provide much needed available plots or houses.

Less than a handful of young local people have been lucky enough in the past 5 years to purchase properties here, as once good properties are marketed, they are purchased quickly. This application in itself has raised interest from local people, with 4 parties requesting information on the proposed development, and if successful requesting if they could talk to the landowner in selling a plot. All 4 parties were local, welsh speaking and 3 of the parties had young children which looked to go to the local primary school.

In terms of housing land availability, again comments have been raised that there is sufficient land within the development boundary for infill developments. Again, this comment is strictly not true, as shown on the map attached, which shows the development boundary, and the lack of infill opportunities in the village. We can confirm there has been no individual plots been for sale in the village for over 10 years and no housing developments within the village for over 10 years and given the Housing Land Supply shortage, a housing development in Llanerfyl is able to significantly contribute to that.

Sustainability and Capacity

We note that sustainability and capacity of villages in respect of these technical departures are a major consideration for the committee in past months, and therefore would like to touch on these considerations within this update.

The sustainability of the village is unquestionable, with a successful primary school, garage and petrol station, designated employment land with workshops, Chapel and Church and a village hall, which always has activities on such as choirs, fitness classes, fayre's and so on. The village has also regular public transport links to Welshpool and Oswestry. In light of this, the village of Llanerfyl should be considered much more sustainable than other villages within Powys which has been subject to housing proposals of 10 or more dwellings and subsequently approved by the planning authority when they have less facilities and services than Llanerfyl.

In relation to capacity, Llanerfyl has not been subject to any housing development for over 10 years, and therefore this proposal cannot be considered to be over capacity of Llanerfyl. To reiterate, the number of residential properties in the confines of the village boundary is approximately 80, and this proposal is only for 7 (8%) properties (including 2 affordable) which is considered well proportionate to the village.

This again is consistent with previous approvals for housing developments in Powys, whereby a cumulative of 10 houses were approved in some villages which only had an existing number of 40 and 60 properties respectively.

In light of this, this proposal in Llanerfyl is considered sustainable and proportionate to the existing village.

Welsh Language

As specified throughout our submission, the Welsh Language is an important consideration in Llanerfyl. As the Council will appreciate, the applicant and family are actively supporting the Welsh Language in the community, therefore the last thing the applicant would want is to detrimentally impact the Welsh language.

It is important when considering the Welsh Language not to be too embroiled with getting houses accommodated by existing Welsh speakers. A whole host of examples are within the area, whereby non- Welsh speaking families have come into the area, and embraced the language and community wholeheartedly. An example has just been shown early this year, when a property was sold to a family of non-Welsh speakers, but now 2 of their children are receiving full Welsh education in Llanerfyl Primary School.

The updated TAN20 is important to note, especially the Development Management section, which this proposal should be considered against. It is clear that the Welsh Government has put the onus on Local Plans to have a plan led system on Welsh Language considerations, and large developments (10 or more dwellings) on windfall sites are the only sites that should be subject to a Welsh Language Impact Assessment.

This proposal is for 7 dwellings, and due consideration has been given to the potential impact on the Welsh Language and Culture within the submission and the officer has detailed the consideration within their report. It is clear that the Welsh Language and Culture between 2001 & 2011 has remained stable and therefore is not in severe decline. Young local people want to move to the village because of the Welsh Primary School and also the young active population within the village, and therefore this development will only increase the chances of the Welsh Language and culture of the village improving.

Potential mitigation measures

The applicant is willing to accept additional mitigation measures, if they are considered reasonably necessary by the Committee.

These include measures that will assist in sustaining the Welsh Language in the village and the development of affordable housing.

- We are happy to accept an additional condition on the scheme, which includes mitigation measures to assist the Welsh Language in the Village – For example that if the land/plots are put on the market, that marketing should be bilingual.
- A phasing condition to ensure the development is completed in a satisfactory fashion, and the affordable housing is completed before the whole development completes.

Conclusion

I hope this update provides even further clarity on some of the considerations, and illustrates that this housing proposal in the village of Llanerfyl is consistent with other approved schemes in Powys, and ask that the committee follows the officer recommendation of approval.

Datganiad Atodol

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol