

# Pecyn Dogfennau Cyhoeddus



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Os yn galw gofynnwch am - If calling please ask for  
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## PWYLLGOR CYNLLUNIO, TRWYDDEDU TACSIS A HAWLIAU TRAMWY Dydd Mercher, 21ain Chwefror, 2018

### P E C Y N   A T O D O L

1.	<b>COFNODION Y CYFARFOD BLAEOROL</b>	
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I awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 1 Chwefror 2018 fel cofnod cywir.

(Tudalennau 1 - 14)

#### 1.1. **Diweddariadau**

Bydd unrhyw ddiweddariadau'n cael eu hychwanegu at yr Agenda fel pecyn atodol lle'n bosibl cyn y cyfarfod.

(Tudalennau 15 - 58)

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



A development like this can only be of advantage to local amenities and also the local primary school. Ensuring housing for local young professional families in their place of origin must be an important factor in any planning policy.

I hope that the correct decision is made to ensure the long term future of Llanerfyl.'

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

**Application No:** P/2017/1342

**Grid Ref:** 274781.66  
301216.44

**Community Council:** Machynlleth

**Valid Date:** 17/11/2017  
**Officer:** Luke Jones

**Applicant:** Mrs S Hewitt, Blue Horizon Homes Ltd, 2 St Helens Crescent, Benson, Wellington, OX10 6RX

**Location:** Land between 14 & 15 Fford Mynydd Griffith, Machynlleth, Powys, SY20 8DD

**Proposal:** Full: Erection of 4no dwellings and garages and and all associated works

**Application Type:** Application for Full Planning Permission

### Report Update

This report forms an update to the previous report circulated to Members.

### Consultee Response

#### Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### SEWERAGE

##### Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: 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.

##### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer

network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence

### **Officer Appraisal**

Within the officers report it was noted that there were two errors regarding the local policies included and the mention of an affordable dwelling within the site location and description. These errors have been addressed below for clarity.

### **Site Location and Description**

The application site lies outside the development boundary, however the site does adjoin the existing development boundary of Machynlleth as defined by the Powys Unitary Development Plan (2010). The application site currently forms part of an area of open land which is bound to the north, east and south by agricultural land and to the west by existing dwellings on Ffordd Mynydd Griffiths. The site slopes upwards away from the road and flattens out at the application site. The site is accessed off the Ffordd Mynydd Griffiths estate to the northern side of the town of Machynlleth. The existing ponds on site which have vegetated over are to be replaced by the creation of a new pond within the site.

Full planning permission is sought for the erection of four dwellings and associated works at land between 14 and 15 Mynydd Griffiths, Machynlleth. The proposed site recently gained full planning permission for two dwellings under planning permission P/2016/0932. The proposed site is now considerably larger than the site approved for 2 dwellings.

### **Principal Planning Policies**

## Local Policies

### Powys Unitary Development Plan (2010)

UDP DC1 - Access by Disabled Persons  
UDP DC13 - Surface Water Drainage  
UDP DC14 - Flood Prevention Measures  
UDP DC15 - Development on Unstable or Contaminated Land  
UDP ENV 1 - Agricultural Land  
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats  
UDP GP1 - Development Control  
UDP GP2 - Planning Conditions and Obligations  
UDP GP3 - Design and Energy Conservation  
UDP GP4 - Highway and Parking Requirements  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP5 - Residential Developments  
UDP HP6 - Dwellings in the Open Countryside  
UDP HP17 – Backland Development

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

## Drainage

Concerns have been raised regarding the drainage of the site, therefore Welsh Water have been consulted regarding the site and had no objection to the proposed development subject to the inclusion of a condition and advisory note to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets

Within the previous report Powys Land Drainage Officer and Environmental Health were consulted regarding the site and raised no objection to the application.

In light of the above and subject to the recommended condition and advisory note from Welsh Water it is therefore considered that the proposed development fundamentally complies with policies DC10 and DC13 of the Powys UDP in respect of Main Sewage Treatment and Surface Water Drainage.

## **RECOMMENDATION - Conditional Consent**

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing within and adjoining the settlement 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 approval subject to the conditions detailed below

### **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 XXXXXX (drawing no's: Location Plan, PL01, PL02, PL03, PL04, PL05, PL06, PL100C).
3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 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 constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
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 25 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. 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 any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
9. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.



10. The width of the access carriageway shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
11. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 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. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.
13. Upon formation of the visibility splays 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.
14. No storm water drainage from the site shall be allowed to discharge onto the county highway.
15. Prior to first occupation of the proposed dwellings following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the Local Planning Authority.
16. The mitigation measures in section 8 of the Ecological Survey Report produced by Cambrian Ecology Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter.
17. 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.
18. Prior to commencement of development a detailed 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.
19. Prior to the 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 condition.
20. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The design for the scheme shall follow the principles set out in Welsh Government's sustainable drainage (SuDS) standard. The approved scheme shall be completed prior to first occupation of any dwelling.

21. 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, sheds or structures within the curtilage shall be undertaken without the prior express consent of the local planning authority.

22. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

### **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. 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. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

13. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

14. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

15. 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 adopted Local Development Plan 2010.

16. 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

17. 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.

18. 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 Section 6 of the Environment (Wales) Act 2016.

19. 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

20. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design. To ensure that no surface water run-off from the new driveway runs onto the public highway.

21. 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.

22. 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.

## **Informative Notes**

### Contaminated Land

## Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

## Land Drainage

The applicant should consider employing measures such as the following:

- Water Butts
- Permeable paving on any new driveway/paved area
- Greywater Recycling Centre

Informative: Consent is required from the service provider to connect into the public surface water sewer.

## Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence



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A further area of concern is that the submitted plans show that the main fowl will be crossing the road, but does not show its entry point into the main sewer which is nowhere near the proposed outlet.

It was also noted that one resident had measured the visibility splay and it is 90 metres not the 120 metres as suggested.

As you will see from the attached letters received from members of the public within the community there is a strength of feeling against the proposals to close the layby, this feeling is likely to grow as more people become aware of the proposals.

Cilmeri Community Council would like to request that this application is put before the full planning committee.

### **Representations**

A petition has been handed in with 343 signatures. The petition relates to the application and the closure of the lay-by.

Photographs have also been received since the original report, highlighting that the lay-by is used by a range of motorised vehicles, including lorries, tractors and buses.

A further 8 letters of objection have been received from members of the public which in summary raise the following matters:

- The closure of a lay-by within the village of Cilmeri that allows members of the public to stop and post their letters as well as providing an opportunity for traffic to pull into.

A letter of support from a member of the public has also been received.

### **Officer Appraisal**

#### Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

#### Highway Safety

Additional representations have been received in objection to the proposed development particularly in respect of the closure of the existing lay-by. It is considered that the proposed closure of the lay-by has already been considered within the original report and that these additional representations add no further information to consider this aspect further. Therefore for ease of reference the initial comments made within the original report in relation to highway safety are copied in below.



*“Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.*

*Access and Layout is reserved for future consideration, however, the Welsh Government Trunk Road Agency (TRA) have been consulted in relation to the development in order to establish whether or not an appropriate access and visibility splays can be achieved. The TRA have confirmed that the proposed development can provide an appropriate access and visibility splays and have recommended conditions to be attached to any granting of consent that would ensure that appropriate access and visibility splays are constructed to an agreed standard.*

*Concerns have been raised regarding the loss of the lay-by and the relocation of the phone-box. However, as access is a reserved matter and the consultation response received from the Welsh Government TRA it has been confirmed that the proposed development will result in a betterment in terms of highway safety as it removes two non-compliant assets and installs one that is fully compliant. Furthermore, it is considered that should the phone-box not be re-located, appropriate visibility splays could still be achieved.*

*In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development will not have a detrimental impact upon highway safety. Therefore the proposed development complies with policy GP4 of the Powys Unitary Development Plan (2010).”*

## **RECOMMENDATION**

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same as set out in the original report.

## **Conditions**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters'") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 17/006/01 & 17/006/02).
5. Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter
7. Prior to the 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 condition.

8. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

9. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.

10. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.

11. 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.

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 adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

5. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3, ENV6 and ENV7 of the Powys Unitary Development Plan.

6. 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.

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 Part 1 Section 6 of the Environment (Wales) Act 2016.

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.



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- Deytheur has recreational users around the lanes ie horse riders, cyclists, pedestrians, either walking or running, with or without family and dogs.
- It is becoming less of a pleasure to walk the lanes around Deytheur as a lot of time is spent on the verge avoiding the traffic.
- Deytheur has no facilities, ie schools, bus service, shop etc
- The speed of the traffic is alarming, there is no consideration for the residents of Deytheur. This is an accident waiting to happen, evidenced by the state of the verges.
- Due to the volume of traffic the lanes, which are unclassified, are becoming in a state of disrepair, potholes are forming and where traffic is hitting the edge of the road, large ruts are appearing. I know there are budgetary restraints for road repairs or resurfacing and can only assume that Deytheur would well down the list for any work to be done.

Not wishing to muddy the waters so to speak, but we did discuss briefly the other application in Deytheur for an agricultural building and the huge concerns of the residents as to the large warehouse that has been built which doesn't bear much relation to agriculture. I understand there is a 'stop' on this build but the building continues to be worked on. The combination of the possible volume of traffic that could be involved with that application and Glyn Jones's application fills us, the residents, with horror. Deytheur cannot sustain these developments.

The rest of the points are referred to in our letter of 18<sup>th</sup> December.

Many thanks for your help.

*Representation received 12<sup>th</sup> February 2018 -*

Than you for your letter dated 9th Feb 2018 re the planning application in the hamlet of Deytheur.

Lynne and I are unable to attend due to work commitments but we wanted you to know that our previous objections stand for this planning application. I have attached below a list of the objections we feel are still very appropriate.

- Deytheur is a Hamlet, not a village and this is Green Field land.
- There is no public transport or facilities within reasonable walking distance. The occupants will require cars.
- A number of the local residents including myself, are already concerned about the traffic through the village and have raised these concerns through the appropriate channels.
- This is a small lane with many blind corners
- In the mornings and evenings there is already considerable traffic for this type of country lane.
- Many vehicles drive too fast down these lanes and in the middle of the road – so we want to discourage traffic and excessive driving through the village.
- The proposed dwelling is on an approach from a completely blind bent.
- No local need.
- The Spinney – 2 bed bungalow - took over 18 months to sell at a low price.

- Deytheur Grange – 4/5 bed house – 1 house away from the proposed dwelling, has been on the market for over 18 months and is still on the market.
- There are houses for sale in the surrounding local villages (Four Cosses /Llansantffraid / Ardleen to name a few) where there are schools , public transport and local facilities such as shops and doctors practices.
- I would not consider a 3 bedroomed detached property with a garage, affordable housing.
- There are numerous schemes and properties currently available in the surrounding villages and towns (Welshpool, Oswestry and Shrewsbury) that have affordable housing schemes to help people purchase a home and they are in locations where there is public transport, medical facilities, local shops and services and most important – employment.

Some of my farming neighbours have struggled to get planning on their own land for a single dwelling for their families to occupy to support farming – even with an agricultural tie.

It does not address local need or affordable accommodation.

This is a Hamlet and beautiful Green Field site, which I believe should be protected.

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Case Officer: Holly-ann Hobbs- Principal Planning Officer  
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk

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

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

<b>Application No:</b>	P/2017/1087	<b>Grid Ref:</b>	323476.24 315738.1
<b>Community Council:</b>	Llandrinio	<b>Valid Date:</b>	<b>Officer:</b> 25/09/2017 Sara Robinson
<b>Applicant:</b>	DT Davies, New House Farm, Sarnau, Llanymynech, Powys, SY22 6QL		
<b>Location:</b>	Land adj Dyfnant, Sarnau, Llanymynech, Powys, SY22 6QL		
<b>Proposal:</b>	Outline - Residential development of one dwelling, formation of vehicular access and associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### Report Update

This report forms an update to the previous report circulated to Members.

### Consultee Response

#### Llandrinio & Arddleen Community Council

*Consultation received 19/02/2018*

Llandrinio & Arddleen Community Council have considered the amended proposals to reduce the number of dwellings to one on this site.

They wish to maintain their OBJECTION to this development for the following reasons;-

1. Policy is contrary to Policy GP1- Outside the development boundary

This dwelling should only be considered if it is designated as an affordable dwelling as it is outside the settlement boundary. This would then be consistent with other dwellings in this rural area.

2. Policy HP3 – Housing Land Availability

The lack of a 5 year housing supply should not be allowed to override all other considerations. There are several properties for sale in the larger village of Arddleen which is less than 3 miles away. Planning permission has already been granted for a further 22 in Arddleen with a further 46 being considered.

3. Policy DC 10 – Sewage Treatment

It is noted that the effluent will discharge into the stream at the rear of the field. We have already received complaints from residents, which have been reported to Natural Resources

Wales, of a smell in the summer due to the low volume of water. Has an adequate assessment been carried out of the flow needed.

#### 4. Policy SP1 – Social, Community and Cultural Sustainability

It is very important that the any dwelling constructed on this site is limited to a single storey without dormer windows which would mirror the bungalows on the opposite side of the lane.

5. Concern was also felt that only 10 days were given to respond to these amendments which were asked to be returned to the Planning Officer by the 22nd February 2018. It is difficult to see how any comments could possibly be included in her Report to be presented to the Planning Committee on the 23rd February.

#### PCC Highways

*Consultation received 13/02/2018*

The County Council as Highway Authority for the County Class III Highway, C2034

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a widening along the Class III C2034 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the

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

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

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

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

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 3 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

HC29 All surface water run-off is to be collected and discharged via a piped system located within the site. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 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.

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

## **Representations**

Following the erection of an amended site notice on the 25/01/2018 for the period of 21 days one public representation of objection has been received;

The letter of objection states that they wish to further object to the proposal following their initial letter submitted on the 11<sup>th</sup> of October 2017.

- M/2007/0494 granted in 2007 for the development of 4 dwellings where one plot is vacant and another is still not fully developed
- There is a further bungalow known as Holly Bush which has been empty for 4 years
- The property known as Hen Dafarn has been empty for 3 years and is now sold subject to contract
- There is a large number of vacant properties in a small village with approximately 16 dwellings and 3 farms.
- The application is to potentially to the benefit of the applicant, but it cannot be considered as a need in the hamlet of Sarnau, nor is it any way beneficial to Sarnau's current inhabitants.

## **RECOMMENDATION**

The additional information submitted has been considered. Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

## **Conditions**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxx in so far as the extent of the application site is drawn and the access point onto the C2034 highway (drawing no: RPP/TW-JOB25-03 Rev B).
5. Prior to any other works commencing on the development site, detailed engineering drawings for a widening along the Class III C2034 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

6. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
9. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
10. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. 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.
11. 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

14. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 3 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
15. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
16. All surface water run-off is to be collected and discharged via a piped system located within the site. This system shall be retained and maintained for as long as the development remains in existence.
17. Upon formation of the visibility splays as detailed in HC4 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.
18. No storm water drainage from the site shall be allowed to discharge onto the county highway.
19. 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.
20. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

## **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 adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
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.
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18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4
19. 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.
20. 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.

## **Informative Notes**

### Building Control

Building Regulations application may be required.

### Wales and West Utilities

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

### Rights of Way

The right of way must remain open and available for safe unimpeded public use at all times, both during development and following completion. It must not be obstructed by any works or structure. A suitable width for the footpath must be accommodated and not impinged upon.

### Biodiversity

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.

### NRW

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The permitting process is a separate process to planning, and the applicants are advised the granting of planning permission does not guarantee that a permit will be granted.



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



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