

# Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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



Dyddiad y Cyfarfod  
**Dydd Mercher, 21 Chwefror 2018**

Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

Amser y Cyfarfod  
**9.30 am**

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

14/02/18

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

## AGENDA

### 1. YMDDIHEURIADAU

I dderbyn ymddiheuriadau am absenoldeb.

### 2. COFNODION Y CYFARFOD BLAEOROL

I awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 1 Chwefror 2018 fel cofnod cywir.

(I ddilyn)

## Cynllunio

### 3. DATGANIADAU O DDIDDORDEB

(a) Derbyn unrhyw ddatganiadau o ddiddordeb gan aelodau mewn perthynas ag eitemau sydd i'w hystyried ar yr agenda. (b) Derbyn ceisiadau gan aelodau i gofnodi eu haelodaeth ar gynghorau tref neu gymuned lle cafwyd trafodaeth ar faterion sydd i'w trafod gan y Pwyllgor hwn.

(c) Derbyn datganiadau gan Aelodau'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' mewn perthynas â chais unigol sy'n cael ei ystyried gan y Pwyllgor.

(d) Nodi manylion aelodau'r Cyngor Sir (sydd ddim yn aelodau'r Pwyllgor) a fydd yn gweithredu fel 'Cynrychiolydd Lleol' o ran cais unigol sy'n cael ei ystyried gan y Pwyllgor.

<b>4.</b>	<b>CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.</b>
-----------	--

I ystyried adroddiadau'r Pennaeth Adfywio a Gwasanaethau Rheoleiddio ac i wneud unrhyw benderfyniadau angenrheidiol ar hynny.

(Tudalennau 1 - 6)

**4.1. Diweddariadau**

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

(I ddilyn)

**4.2. P/2017/0078 Tir yng Nglasgwm, Glasgwm, Powys**

(Tudalennau 7 - 50)

**4.3. P/2016/1154 Tir gyferbyn Wesley Terrace, Stryd y Ceunant, Llanfechain, Powys, SY22 6UR**

(Tudalennau 51 - 74)

**4.4. P/2017/1268 Tir ger Maes Gwyn, Llanfair Caereinion, Powys, SY21 0BD**

(Tudalennau 75 - 104)

**4.5. P/2017/1293 Tir ger Mynwent Llangadfan, Llangadfan, Powys**

(Tudalennau 105 - 124)

**4.6. P/2017/1402 Derwen, Llanerfyl, Y Trallwng, Powys, SY21 0EG**

(Tudalennau 125 - 146)

**4.7. P/2017/1342 Tir rhwng 14 & 15 Ffordd Mynydd Griffith, Machynlleth, Powys, SY20 8DD**

(Tudalennau 147 - 172)

- 4.8. **P/2017/1421 Tir ger Morgannwg, Cilmeri, Llanfair-ym-Muallt, Powys, LD2 3NU**  
(Tudalennau 173 - 188)
- 4.9. **P/2017/1250 Tir ger Cranford, Llansantffraid, Powys, SY22 6AX**  
(Tudalennau 189 - 216)
- 4.10. **P/2017/0974 Tir ger Cilfach Glyd, Deytheur, Llansantffraid, Powys, SY22 6TF**  
(Tudalennau 217 - 238)
- 4.11. **P/2017/1190 Gate Farm, Lôn Criggion, Trewern, Y Trallwng, Powys SY21 8DU**  
(Tudalennau 239 - 270)
- 4.12. **P/2017/1331 24 The Gardens, Ceri, Y Drenewydd, Powys SY16 4NX**  
(Tudalennau 271 - 278)
- 4.13. **P/2017/1403 Tir oddi ar Abbey Lane, Geuffordd, Cegidfa, Powys, SY21 9DR**  
(Tudalennau 279 - 296)
- 4.14. **P/2017/1087 Tir ger Dyfnant, Sarnau, Llanymynech, Powys, SY22 6QL**  
(Tudalennau 297 - 324)
- 4.15. **P/2017/1289 Tir ar Fferm y Pwll, Hendomen, Trefaldwyn, Powys, SY15 6EZ**  
(Tudalennau 325 - 344)
- 4.16. **P/2017/1325 Tir ger Plas Robin, Llandysul, Powys, SY15 6LQ**  
(Tudalennau 345 - 360)
- 4.17. **P/2017/1345 Fox Farm, Garthmyl, Trefaldwyn, Powys, SY15 6RW**  
(Tudalennau 361 - 374)

- 4.18. **P/2017/1241 Ysgol Gynradd, Carno, Llanbrynmair, Powys, SY17 5LH**  
(Tudalennau 375 - 388)
- 4.19. **P/2017/1266 Tir sy'n ffurfio rhan o Cae Rhallt, Rhallt Lane, Buttington, Powys SY21 9JP**  
(Tudalennau 389 - 414)
- 4.20. **P/2017/1249 2 Ffordd Hafren, Y Trallwng, Powys SY21 7AB**  
(Tudalennau 415 - 428)
- 4.21. **DIS/2017/0222 11 Burgess Croft, Y Trallwng, Powys SY21 7RJ**  
(Tudalennau 429 - 432)
- 4.22. **DIS/2017/0240 Ysgol Gynradd Archddiacon Griffiths, Llyswen, Aberhonddu, Powys LD3 0YB**  
(Tudalennau 433 - 440)
- 4.23. **TREE/2018/0004 Tir tu ôl i Mafeking, Triangle Cwmdauddwr, Rhaeadr, Powys**  
(Tudalennau 441 - 448)

<b>5.</b>	<b>PENDERFYNIADAU'R PENNAETH ADFYWIO A GWASANAETHAU RHEOLEIDIDO AR GEISIADAU DIRPRWYEDIG.</b>
-----------	---

I dderbyn er gwybodaeth, rhestr o benderfyniadau a wnaeth gan Bennaeth Adfywio a Gwasanaethau Rheoleiddio dan bwerau dirprwyedig.

(Tudalennau 449 - 462)

**Planning, Taxi Licensing and Rights of Way Committee  
21<sup>st</sup> February 2018**

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

**Applications for consideration by Committee:**

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p><b>P/2017/0078</b></p> <p>Glascwm</p> <p>315770.54 253230.59</p> <p>31.01.2017</p>	<p>Full: Erection of a single dwelling, creation of access, installation of septic tanks and all associated works</p> <p>Land at Glascwm, Powys</p> <p>Mrs Sheila Powell – c/o Agent</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2016/1154</b></p> <p>Llanfechain</p> <p>318705.82 320651.4</p> <p>20.12.2016</p>	<p>Outline: Residential development of up to 6 dwellings, including formation of vehicular access and associated works (outline)</p> <p>Land opposite Wesley Terrace, Ystrad y Ceunant, Llanfechain, Powys SY22 6UR</p> <p>Mrs Humphreys, c/o agent</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1268</b></p> <p>Llanfair Caereinion</p> <p>310145.64 306222.25</p> <p>31.10.2017</p>	<p>Outline: Residential Development of up to 9 dwellings (Phase 2), formation of vehicular access and all associated works.</p> <p>Land adjoining Maes Gwyn, Llanfair Caereinion, Powys SY21 0BD.</p> <p>Mrs M Williams, Tanhouse Fasrm, Llanfair Caereinion, Powys SY21 0BD.</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>

<p><b>P/2017/1293</b></p> <p>Banwy</p> <p>300381.26 311445.43</p> <p>06.11.2017</p>	<p>Outline application (with some matters reserved) for erection of 5 dwellings with detached garages, formation of vehicular access and all associated works</p> <p>Land adjacent to Llangafan Cemetery, Llangadfan, Powys</p> <p>Joy Williams, Cyffiau, Trefeglwys, Caersws, Powys</p> <p><b>Recommendation:</b></p> <p>Refusal</p>
<p><b>P/2017/1402</b></p> <p>Llanerfyl</p> <p>303406.15 309647.54</p> <p>13.12.2017</p>	<p>Outline application (with all matters reserved) for erection of up to 4 no detached dwellings with detached garages</p> <p>Derwen, Llanerfyl, Welshpool, Powys, SY21 0PJ</p> <p>Mrs Sioned Roberts, Parc Llangadfan, Welshpool, Powys, SY21 0PJ</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1342</b></p> <p>Machynlleth</p> <p>274781.66 30121.44</p> <p>17.11.2017</p>	<p>Full: Erection of 4 no dwellings and garages and all associated works.</p> <p>Land between 14 &amp; 15 Ffordd Mynydd Griffith, Machynlleth, Powys, S/y20 8DD</p> <p>Mrs S Hewitt, Blue Horizon Homes Ltd, 2 St Helens Crescent, Benson, Wellington, OX10 6RX</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1421</b></p> <p>Cilmery</p> <p>300529.02 251422.84</p> <p>06.12.2017</p>	<p>Outline: Residential use of 4 self build plots (all matters reserved)</p> <p>Land adj Morgannwg, Cilmery, Builth Wells, Powys, LD2 3NU</p> <p>Mrs Eileen Cheffers, 9 The Crescent, Llanelwedd, Builth Wells, Powys, LD2 3TR</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>

<p><b>P/2017/1250</b></p> <p>Llansantffraid</p> <p>323045.79 320594.62</p> <p>30.10.2017</p>	<p>Outline application (with some matters reserved) for residential development for up to 9 dwellings with 7 no. garages, formation of vehicular access and all associated works</p> <p>Land adjoining Cranford, Llansantffraid, Powys, SY22 6AX</p> <p>Mrs B A Edwards, Lower Trewylan Farm, Llansantffraid, Powys, SY22 6AX</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/0974</b></p> <p>Llandrinio</p> <p>323834.99 317097.54</p> <p>25.08.2017</p>	<p>Outline: Erection of one detached private dwelling with all associated works (some matters reserved)</p> <p>Land adjoining Cilfach Glyd, Deytheur, Llansantffraid, Powys SY22 6TF</p> <p>Mr G Jones, Haulfryn, Deytheur, Llansantffraid, Powys, SY22 6TF</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1190</b></p> <p>Trewern</p> <p>327661.13 311493.26</p> <p>13.10.2017</p>	<p>Outline: Residential Development of up to 5 dwellings, formation of vehicular access and associated works (Some matters reserved)</p> <p>Gate Farm, Criggion Lane, Trewern, Welshpool, Powys, SY21 8DU</p> <p>Mr Chapman, Fronhaul, Trewern, Welshpool, Powys, SY21 8DU</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1331</b></p> <p>Kerry</p> <p>314769.06 289890.49</p> <p>22.11.2017</p>	<p>Full: Formation of vehicular access and hard standing (retrospective)</p> <p>24 The Gardens, Kerry, Newtown Powys SY16 4NX</p> <p>Powys County Council</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>

<p><b>P/2017/1403</b></p> <p>Meifod</p> <p>321353.64 614293.9</p> <p>30.11.2017</p>	<p>Outline application (with some matters reserved), formation of vehicular access, installation of septic tank and all associated works</p> <p>Land off Abbey Lane, Geuffordd, Guilsfield, Powys, SY21 9DR</p> <p>Mr B V Edwards, Broniarth Farm, Ashtree Barn, Guilsfield, Powys, SY21 9DT</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/1087</b></p> <p>Llandrinio</p> <p>323476.24 315738.1</p> <p>25.09.2017</p>	<p>Outline - 1 residential dwelling, formation of vehicular access and associated works</p> <p>Land adj Dyfnant, Sarnau, Llanymynech, Powys, SY22 6QL</p> <p>DT Davies, New House Farm, Sarnau, Llanymynech, Powys, SY22 6QL</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/1289</b></p> <p>Montgomery</p> <p>321657.35 298063.15</p> <p>03.11.2017</p>	<p>Outline application for erection of 1 no. dwellings with detached garages, alterations to vehicular access, installation of septic tanks and all associated works</p> <p>Land at Pwll Farm, Hendomen, Montgomery, Powys, SY15 6EZ.</p> <p>Mr D M Jones, Wernllwyd, Berriew, Welshpool, Powys.</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2017/1325</b></p> <p>Llandyssil</p> <p>319754.92 295557.2</p> <p>21.11.2017</p>	<p>Outline: Erection of 1 no open market dwelling with garage. Creation of access road and installation of septic tank (all matters reserved)</p> <p>Land adj Plas Robin, Llandyssil, Powys, SY15 6LQ</p> <p>Mr &amp; Mrs D Parry, Plas Robin, Llandyssil, Powys, SY15 6LQ</p> <p><b>Recommendation:</b> Conditional Consent</p>



<p><b>P/2017/1345</b></p> <p>Berriew</p> <p>319495.92 299527.89</p> <p>15.11.2017</p>	<p>Outline: Erection of a dwelling and associated works including improvements to existing access</p> <p>Fox Farm, Garthmyl, Montgomery, Powys, SY15 6RW.</p> <p>Mr &amp; Mrs Gannon, Fox Farm, Garthmyl, Montgomery, Powys, SY15 6RW.</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1241</b></p> <p>Carno</p> <p>296088.12 296572.33</p> <p>24.10.2017</p>	<p>Full: Replacement primary school; relocation of existing public playground equipment and biomass boiler and all associated works</p> <p>Ysgol Gynradd, Carno, Llanbrynmair, Powys, SY17 5LH</p> <p>Powys County Council</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1266</b></p> <p>Welshpool</p> <p>324018.63 308905.84</p> <p>30.10.2017</p>	<p>Outline: Erection of one detached dwelling and garage, creation of new vehicular access and installation of septic tank (all matters reserved)</p> <p>Land forming part of Rhallt Field, Rhallt Lane, Buttington, Powys, SY21 9JP</p> <p>Mr &amp; Mrs E Turner, Rhallt Lane, The Uplands, Buttington, Welshpool, Powys, SY21 9HS</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>P/2017/1249</b></p> <p>Welshpool</p> <p>322545.74 307473.89</p> <p>29.11.2017</p>	<p>Full: Change of use of building and refurbishment of existing roof and proposed extension to rear of property</p> <p>2 Severn Street, Welshpool, Powys, SY21 7AB</p> <p>Powys County Council</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>

<p><b>DIS/2017/0222</b></p> <p>Welshpool</p> <p>322507.54 308226.91</p> <p>06.11.2017</p>	<p>Application for approval of details reserved by condition: Discharge of conditions no. 3 &amp; 4 of planning consent P/2017/0845</p> <p>11 Burgess Croft, Welshpool, Powys, SY21 7RJ.</p> <p>Powys County Council</p> <p><b>Recommendation:</b></p> <p>Discharge of condition 4 of planning consent P/2017/0845</p>
<p><b>DIS/2017/0240</b></p> <p>Bronllys</p> <p>312842.33 238465.34</p> <p>28.11.2017</p>	<p>Application for Approval of Details Reserved by Condition: Discharge of conditions no. 3, 18, 21 &amp; 22 of P/2016/0801</p> <p>Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB</p> <p>Powys County Council</p> <p><b>Recommendation:</b></p> <p>Discharge of conditions no. 3, 18, 21 &amp; 22 of P/2016/0801</p>
<p><b>TREE/2018/0004</b></p> <p>Rhayader</p> <p>296795.09 267814.2</p> <p>15.01.2018</p>	<p>Application for works to a beech tree in a conservation area</p> <p>Land rear of Mafeking, Triangle Cwmdauddwr, Rhayader, Powys</p> <p>Mr Phil Woosnam, Mafeking, Triangle Cwmdauddwr, Rhayader, Powys</p> <p><b>Recommendation:</b></p> <p>Approval</p>

# 4.2

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

### UPDATE REPORT

<b>Application No:</b>	P/2017/0078	<b>Grid Ref:</b>	315770.54 253230.59
<b>Community Council:</b>	Glascwm	<b>Valid Date:</b>	<b>Officer:</b> 31/01/2017 Tamsin Law
<b>Applicant:</b>	Mrs Sheila Powell c/o Agent		
<b>Location:</b>	Land at Glascwm, Glascwm, Powys		
<b>Proposal:</b>	Full: Erection of a single dwelling, creation of access, installation of septic tanks and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

#### The reason for the update

Following Committee's resolution on the 3<sup>rd</sup> August 2017 to grant consent additional information was submitted and plans were amended.

This report should be read in conjunction with the original committee report and update report.

#### Consultee Response

##### Built Heritage Officer

##### 1<sup>st</sup> Response

I note the proposal is close to a number of designated heritage assets namely;

- Grade 1 Church of St David Cadw ID 8780 included on the statutory list on 21 Sept 1962
- Telephone Call box at road junction Cadw ID 9367 included on the statutory list on 16 Aug 1991
- Brookside Cadw ID 83486 included on the statutory list on 20 Jan 2005
- The Yat Cadw ID 8781 included on the statutory list on 21 Sept 1962

Glascwm is a small cluster of properties with the application site being a parcel of land between the listed church and Glais Cottage one of the small cluster of properties within Glascwm. Glascwm is an historic settlement identified by CPAT in their historic settlements as being 1 of 6 nucleated village settlements in Radnorshire. However there is speculation that it could possibly be a non-nucleated village settlement, of which only 1 has so far been identified in Radnorshire.

The site is adjacent to a number of entries on the Historic Environment Record which are identified as (excluding designated sites);

PRN CPAT 13193 Glascwm School  
PRN CPAT 17232 Rectory  
PRN CPAT 16290 Glascwm Court Cottage Platform I  
PRN CPAT 34865 Glascwm Court Cottage Platform II  
PRN CPAT 13216 Baptist Burial Ground  
PRN CPAT 16288 Glascwm Earthworks I  
PRN CPAT 16292 Glascwm Earthworks V  
PRN CPAT 16293 Glascwm Earthworks VI  
PRN CPAT 16289 Glascwm Earthworks II  
PRN CPAT 16291 Glascwm Settlement  
PRN CPAT 19323 Glascwm churchyard.

Recent Guidance Historic Records in Wales issued by Cadw ISBN 978 1 4734 8710 9 came into effect on 31 May 2017 and from that date, this authority must have regard for the guidance in the discharge of its functions. The guidance advises in Paragraph 4.3 that the historic environment records are key sources of information that should be used to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts.

The proposed site itself does not hold any information on the historic environment record and I note the comments from CPAT in respect of archaeological issues. The reference to the Historic Records is made here solely as an indicator of the history and evolution of Glascwm and the listed buildings within.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

#### Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The Church of Saint David is sited in a round churchyard some 250m SW of the village centre at on the N side of the road through the village.

The K6 telephone kiosk is sited on a small island at the road junction in the village approximately 250m NE from the parish church.

Brookside is on the NE side of a road to Cwm Shenkin approximately 250m NE of the parish church. The property is a 3 storey e window house of whitened rubble stone.

The Yat is sited on the s side of the road through the village approximately 100m SW of the parish church. The house is of whitened rubble stone, slate roofs with cusped barge boards and comprises a 2½-storey gabled bay occupying the centre and L, incorporating the entrance and constituting the parlour wing of the C17 house, and 3-storey 2-window C18 extension to the right,

#### Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people,

events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The name Glascwm indicates an early medieval 'clas', or Celtic monastery. Of the parish church that succeeded it, the nave is probably C14 and the chancel was built in the late C15. Restoration in 1891 by Ewan Christian, architect of London, included renewal of most of the windows and insertion of the W and E windows. Tradition insists that St David himself set up this clas in the 6th century. If this is the case, then this is the furthest north that St David took his message. This early llan prospered and became a substantial clas ( Donald Gregory "Radnorshire a Historical Guide" Donald Gregory (1994) pages 27-8 )

Saint David's at Glascwm was one of the main churches in pre-conquest Radnorshire and retains some Tudor features although others were restored in 1891, internally the late medieval roofs show considerable variation and there is a good range of 18<sup>th</sup> and 19<sup>th</sup> century monuments.

The church almost certainly originated as a mother church in the early medieval period and it is possible that the chapelries of Rhulen and Colva were annexed to Glascwm at an early period. (Sarah and John Zalucky "The Celtic Christian sites of the central and southern Marches" (2006) p 136)

The K6 telephone box is of the type designed by Giles Gilbert Scott, architect of London, introduced by the GPO in 1936.

Brookside was built in the late C18 or early C19 and is shown sub-divided into 2 and 3 units respectively on the 1837 Tithe map and 1889 Ordnance Survey.

The Yat is a C17 gentry house originally L shaped but of which on the parlour wing has survived. The original hall range was probably replaced in the C18 to create a centrally planned house. Later extension of service rooms, completed by the time of the 1837 Tithe map, linked the house to a previously detached C17 or C18 dovecote. The house was known as Glascwm Court from the mid C19 to the 1960s.

### Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

St David's Church is listed grade I for its exceptional architectural interest as a substantial and well-preserved medieval church. The history and significance of the church has been well documented. In the book "The Celtic Christian sites of the central and southern Marches" by Sarah and John Zalucky, the church is described in addition to its setting which is as follows, *"Glascwm is a fascinating site and the first view of it, nestling in the valley surrounded by the wild hills when approaching from the east, is second to none – it is easy to visualise this site as an important early Christian foundation"*.

The K6 telephone kiosk is listed for its special contribution to the historic character of the village.

Brookside is included on the statutory list for its special architectural interest as a later Georgian village house retaining definite quality and character.

The Yat is included on the statutory list for its special architectural interest as a C17 regional house with significant C18 improvement, of definite quality and character.

Glascwm has been described as “*historically one of the most interesting places in Radnorshire; history is still there on the ground for those with eyes to see and imagination to interpret*” ( Donald Gregory “*Radnorshire a Historical Guide*” Donald Gregory (1994) pages 27)

No doubt this historical interpretation and understanding is due in part to its small scale development over the years. Described c 1539 by Leland as “arrow risith not far from Glascumbe where is a chirche but few houses” (ibid page 135) The number of houses in this historic setting is still relatively small enabling the understanding of the past history of the area to be easily legible and cumulatively evoking a sense of the past.

### Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

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

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

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset

- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.



Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

It is noted that section 2.2 of Managing Setting of Listed Buildings which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. As the application was submitted prior to TAN 24 being issue it is noted that no such assessment accompanied the application nor has been referred to in the accompanying Planning Statement.

The heritage assets have been identified as;

Grade 1 Church of St David Cadw ID 8780 included on the statutory list on 21 Sept 1962  
Telephone Call box at road junction Cadw ID 9367 included on the statutory list on 16 Aug 1991  
Brookside Cadw ID 83486 included on the statutory list on 20 Jan 2005  
The Yat Cadw ID 8781 included on the statutory list on 21 Sept 1962

Cadw draft document Setting of Historic Assets in Wales issued and which came into effect on 31 May advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

"•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
- What were its physical, functional and visual relationships with other structures/historic assets and natural features?
- What topographic features influenced its location?
- What was its relationship to the surrounding landscape?
- Was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:
- Has its function changed?
- What changes have happened to the surrounding landscape?
- Have changes happened because of changes to the historic asset?
- Has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?

- Have historic and designed views to and from the historic asset changed?
- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
  - Were these relationships designed or accidental?
  - How did these relationships change over time?
  - How do these relationships appear in the current landscape; are they visual or buried features?
- Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

The proposal is for a single dwelling sited on open ground to the north west of the church and between the church on the cluster of houses in Glascwm. The property has been described in the planning statement as being modest 2 storey scale. The submitted plan indicates a relatively large property of stone front with a breakfront projecting gable and Juliet balcony on the front elevation which is depicted as stone. The gables also of stone would have four windows each.

Brookside is sited to the north of the cluster of houses at Glascwm and it is not considered that from the public road in front of Brookside that the proposed new development would be readily viewed given the proximity of properties to the road such as Gwinfa and Abertdy. As such it is not considered that the short term views of Brookside would be affected by the development. Given the paddock that is to be retained to the north of the proposed dwelling and the difference in relative height between the paddock and the road that runs alongside Clas Brook, it is not considered that that medium term views of Brookside would be affected by the proposed development.

The telephone kiosk is sited at a road junction with a number of properties adjacent. It is not considered that the long or medium term views and as such the setting of this listed building would be affected by the proposal.

The Yat is a large imposing property sited on the south side of the road through the village approximately 100m SW of the parish church. The road is narrow and inclined with mature hedgerows and trees accentuating its location as just outside Glascwm. It is not considered that the short term views and setting of this listed building would be affected by the proposal.

The Church of St David is relatively isolated from the main cluster of properties at Glascwm. The properties are generally clustered beneath The Wern on the western side of Little Hill. This location results in the cluster of houses being readily visible when travelling westwards

into Glascwm on the road between Little Hill and Glascwm Hill which is also a National Cycle Network Route 825 which makes up most of the Radnor Ring Cycle Route.

The descent into Glascwm permits a view of St Davids over the rooftops of Glas Cottage and Gwinfa. The proposed dwelling would be sited between the cluster of houses and the grade I listed church, and being of a modern construction and on slightly higher ground would be readily visible over the existing dwellings. The location of a dwelling in this location would be readily visible with the church and its immediate environs. The significance of St Davids has been identified above, and it is considered that the erection of the dwellings as proposed would severely affect the setting of this grade I listed church. The significance of this approach has been identified by Sarah and John Zalucky in their book as “Glascwm is a fascinating site and the first view of it, nestling in the valley surrounded by the wild hills when approaching from the east, is second to none – it is easy to visualise this site as an important early Christian foundation”. This description is not disagreed with as the descent into Glascwm does permit views of the listed church and its churchyard and its relationship with the existing buildings in Glascwm, and also the surrounding hills which encompass Glascwm which contain 5 Scheduled Monuments all of which contribute towards the significance of Glascwm and its visible history. The location of the church was not an accident nor built to serve a population, but rather it seems that the location within this valley and proximity to water was chosen specifically for the foundation of the first church or clas. As such the surrounding hills also contribute significantly to the history of Glascwm and the setting of its historic assets.

It is noted that two of the Scheduled Ancient Monuments that circle Glascwm are deserted medieval settlements; RD168 Gellildywyll Platform Settlement and RD165 Cwm Trwch medieval Settlement, both of which are on high ground away from the valley bottom. Unlike other deserted settlements identified by CPAT the house platforms are spread out along the valley sides away from though within site of the church. In the CPAT Report 227 Deserted medieval and Later Rural Settlements in Radnorshire (May 1997) the deserted medieval settlements at Glascwm are identified and as yet the significance of these feature has not yet been fully established, however the peculiar topography of Glascwm has resulted in the identification of more archaeology in recent assessments than the average Radnorshire settlement. However the document continues that there is presently no reason to think that the village was exceptional in the medieval period, although this may not hold true for the early medieval period when there was a clas at Glascwm.

<http://www.walesher1974.org/herumd.php?group=CPAT&level=3&docid=301357443>

The Powys Unitary Development Plan reflects National Guidance with policy ENV 14 being applicable to all applications that are subject to proposals affecting listed buildings, Proposals for development unacceptably adversely affecting a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting account will be taken of the following;

1. The desirability of preserving the listed building and its setting;
2. The importance of the building, its intrinsic and historic interest and rarity;
3. The effect of the proposals on any particular features of the building which justified its listing;
4. The buildings contribution to the local scene and its role as part of an architectural composition;

5. The condition of the building and the benefit that the proposals would have to its state of repair;
6. The merits of the proposals in securing an appropriate alternative use of the building; and
7. The need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design, using materials in keeping with the existing building,

It is noted that there are but 16 listed buildings in the current Glascwm community that covers the adjoining settlements of; Cregina, Franksbridge, Hundred House and Llansantffraed in Elvel in addition to Glascwm itself, and of that 16 there is only the single grade I listed building that is the Church of St David at Glascwm. It is also noted that this is the single church within Glascwm community that is included on the statutory list. Of the 3921 listed buildings within Powys there are but 45 grade I listed buildings. And of the 45, 19 are churches or chapels of which 8 are in Radnorshire. As such it is considered that the Church of St David is of national importance and rare. The impact of the proposal on the setting of this church has been detailed above.

The recent Cadw guidance on the setting of historic assets advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

I would consider that the proposed dwelling would have a visual impact on the setting of St David's when viewed from the approach road, but also note the other factors that are to be considered are that the way that the surroundings are understood, experienced and appreciated including past and present relationships to the surrounding landscape,. I would also consider that the new house as proposed would also affect the way that St David's Church is understood, experienced and appreciated especially given the historical significance of Glascwm and the location at a valley bottom that permits panoramic views of Glascwm and its surrounding hillsides in the descent to Glascwm.

Whilst noting the reference to the current lack of housing land supply issues, and whilst accepting that housing provision is a material consideration, I am minded of Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.” Planning Policy Wales therefore places the primary material consideration to be the special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest.

I would therefore wish to object to P/2017/0078 and would recommend refusal for the following reason.

The development would adversely affect the setting of the designated heritage asset the grade I listed Church of St David Cadw ID 8780. The church is sited some distance away from the small cluster of houses at Glascwm reflecting its original use of a mother church and Clas and later its use as a medieval parish church serving a dispersed settlement. The views of the grade I listed church when viewed on the descent into Glascwm from the public unclassified road and cycle route 825 when travelling westwards into Glascwm from the Colva or Newchurch will be significantly altered by the erection of the proposed dwelling which it is considered will adversely affect the setting of this grade I listed building at the centre of an area of historical significance and interest. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Plan Policies Policy SP3b, ENV14 and GP1.

Should the application be considered acceptable despite the impact on the setting of the grade I listed church I would also raise concerns with the proposed design for this location.

The proposal is for a single dwelling sited on open ground to the north west of the church and between the church on the cluster of houses in Glascwm. The property has been describe in the planning statement as being modest 2 storey scale. The submitted plan indicates a relatively large property of stone front with a breakfront projecting gable and Juliet balcony on the front elevation which is depicted as stone. The gables also of stone would have four windows each. Glascwm has few properties from which to take design influence with the Rectory being a tall 2 storey building gable to the road and rendered. It is noted that the Rectory was originally much larger than its current form depicting its significance. The Yat is a large three storey and two and half storey property depicting its status at the time of its construction, Brookside is a three storey double fronted farmhouse. Brookside and The Yat are on the outer periphery of Glascwm and the majority of the properties at the centre are low 2 storey simple construction with traditional frontages with a simple wall to window ratio, blank gables and small porches.

I would question whether the scale of the property is appropriate in this location and also question whether the design actually does provide an element of visual cohesion when sited with the exception of The Rectory next to very simply designed low 2 storey traditionally designed limewashed/rendered dwellings.

I would refer to TAN12 and section 2.1 The design of our villages, towns, cities and the urban and rural landscape is important in articulating our nation and our culture. Design is important to our quality of life, and the quality of Wales' varied landscape and townscapes - helping to sustain a positive image for Wales.

Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and, provides buildings and environments that are convenient and enjoyable to use for everyone."

2.5 Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation - embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

4.3 The local context comprises the characteristics and setting of an area in which a development is located. This includes the area's natural and human history, the forms of settlements, buildings and spaces; its ecology and archaeology; its location and the routes and waterways that pass through it. Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process, particularly planning applicants and their agents and those formulating and implementing design policy and guidance.

4.8 Appraising "character" involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).

I would not consider that the proposed design has addressed the guidance in TAN12 in that the character quality of the area has not been enhanced, nor the characteristic and setting of an area in terms of its form of settlements, buildings and spaces, prevalent materials, distinctive views in and locally distinctive building features and traditions.

Should the principle of the development be considered acceptable I would raise concern with the scale and design of the proposed dwelling.

## 2<sup>nd</sup> Response

Thank you for consulting me on the amended plans to the above application.

I note that amended plans have been received following my comments dated 22 November. Rather than repeat the issues and comments made previously I would be grateful if you could consider them as an appendix to these comments.

I objected to the previous proposal on the following grounds;

1. The visual impact of the proposal on the setting of the grade I Church of St Davids, especially when viewed from the descent down Glascwm Hill.
2. The modern design of the proposed dwelling.

I note that the amended plans dated December 2017, seek to address my previous concerns on both counts.

The proposed amended design would be on a different orientation to the previous house, where the orientation would now be roughly NW – SE which would follow the ridge line of the houses adjacent to the site. In addition the house is positioned with the principal windows facing westwards towards the church which enables the property to be located relatively tightly to the eastern boundary enabling the main view of the property when viewed from its descent down Glascwm Hill into the Glascwm to be the roofline, which follows the grain of other adjacent properties.

The size of the property and its roof has been reduced by the introduction of an “extension” to the north west and east (rear) thereby reducing the amount roof visible from Glascwm Hill and bringing it in line with other Glascwm properties. The impact is further reduced by the introduction of chimneys.

Whilst the property will still be visible from the descent into the village from Glascwm Hill, the amendments to the design and orientation would result in the proposed new dwelling being absorbed into the roofscape of Glascwm and as such drastically reducing the visual impact that the proposal would have on the setting of the grade I listed church of St Davids.

Taking into account the revisions in the orientation and the design, I could not now conclude that the amended plans as submitted would have such a harmful impact on the setting of St Davids Church to recommend refusal, as the proposed revisions would result in the proposed new building being readily absorbed into the roofscape of Glascwm.

As such I would wish to withdraw my previous objections in the light of the amended plans.

However the siting of the proposed dwelling is very sensitive and as such I would request that appropriate conditions be imposed on the granting of any permission in terms of materials – roof, walls and windows to be submitted by condition.

I would request that I be consulted on any future applications on the site as the withdrawal of my previous objection is a result of my concerns being addressed by the current proposal and should an application to vary the design or for a different dwelling be submitted I would request that I be consulted.

In respect of the current application I can confirm that I have no objection on built heritage grounds.

## **Representations**

The application was advertised through the erection of a site notice and press advertisement. Four further objections have been received since the original report and their objections are summarised below;

- Original design would have a detrimental effect on listed buildings and the historic character.
- Original concerns from residents were not taken seriously.
- Complete design change to address Built Heritage concerns, all parties should have been consulted again.
- Dwelling is now closer with little space at the rear.
- Concerns raised over accuracy and quality of the submitted plans.
- Contrary to Council policy in both the UDP and LDP.
- Rural Settlements such as Glascwm do not support speculative developments.
- The application is not for an affordable dwelling which would be acceptable in policy.
- Not a sustainable location.

## Officer Appraisal

### Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

*'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.*

### Sustainability

In considering a departure from the Powys Unitary Development plan policies officers must consider the location of the proposed development in terms of the wider sustainability of the development. We must take into account the range of services and facilities available within close proximity to the site and within a short travelling distance.

Glascwm is defined in the UDP as a rural settlement with no allocated sites designated within the plan. The settlement itself has limited services and facilities but the nearby settlements of Hundred House and Franksbridge benefits from further services. The site is also located within driving distance of Llanelwedd and Builth Wells which have a large range of services and facilities.

Policy HP9 supports proposals for affordable dwellings in rural settlements where dwellings are sensitively located without affecting the amenity and character of the area and where they comply with the affordability criteria of policy HP10 and policy HP7.

Members are advised that whilst the original report stated that given that a proposal for an affordable dwelling on the site would be acceptable in principle, officers considered that the site would be sustainable. However, Officers are not arguing this point, Members are advised that they need to consider the sustainability of the development and its location and whether this is acceptable for an open market dwelling.

However, Officers do consider that the range of services located within a travelling distance of the development site, that there is an argument to support the principle of residential development at this location given its siting adjacent to a rural settlement. Therefore, it is considered that the proposed site is considered to be an acceptable location for residential development.

### Listed Buildings Policy



ENV14 states that proposals for development unacceptably adversely affecting a listed building or its setting will be refused. Technical Advice Note 24: The Historic Environment (2017) provides further guidance on Listed Buildings.

The application site lies approximately 35 metres to the east of a listed telephone box and approximately 185 metres to the east of a listed church. The phone box is located within a triangular parcel of land in the centre of Glascwm. Between the site and the phone box lies a residential garage and mature trees which screen the development from the telephone box and it is considered that the development would not be visible from the telephone box. Due to the topography of the land the church lies at a higher level than the application site and mature trees surround the listed church, screening the building from the proposed development.

Following a response from Built Heritage which raised concerns over the design of the dwelling and its impact on the setting of the Grade I Listed Church it was considered necessary to enter into discussions with the applicant in order to ascertain whether these objections could be addressed.

Following a review of the comments from Built Heritage, the submission of a Heritage Assessment and amended plans, Built Heritage confirmed that they no longer objected to the proposed development and stated the following;

Whilst the property will still be visible from the descent into the village from Glascwm Hill, the amendments to the design and orientation would result in the proposed new dwelling being absorbed into the roofscape of Glascwm and as such drastically reducing the visual impact that the proposal would have on the setting of the grade I listed church of St Davids.

Taking into account the revisions in the orientation and the design, I could not now conclude that the amended plans as submitted would have such a harmful impact on the setting of St Davids Church to recommend refusal, as the proposed revisions would result in the proposed new building being readily absorbed into the roofscape of Glascwm.

As such the Built Heritage Officer no longer object to the proposed development subject to the imposition of conditions requiring samples and details of roof, walls and windows. As such it is considered that the proposed development does not have an unacceptable impact on the setting of nearby listed buildings and is in accordance with policy ENV14 and Technical Advice Note 24 (2017).

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Following comments from Built Heritage the design and orientation of the building has been amended. The dwelling as amended now measures a maximum of 15 metres in length and 6 metres in width, with a maximum height of approximately 7.5 metres at the ridge falling to 5.5 metres at the eaves. The proposed dwelling has been amended to detail a traditional two storey dwelling with random natural stone colourwashed walls, timber cladding to a section of the dwelling, oil painted timber windows and doors and black rainwater goods.

The dwelling is now orientated with the narrowest elevation facing the highway with a simple single storey outbuilding to provide a garage to the front of the dwelling adjacent to the highway.

Officers consider that the design, size and scale of the dwelling is in keeping with the area and does not unacceptably adversely affect the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

## **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 subject to conditions.

### **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 (drawing no's: 4725/1, 4725/2, 4725/3, 4725/5, 4725/6 and 4725/7) stamped as approved on xxxxx.
3. 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
4. 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
5. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 45 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
6. Before any other work commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

7. 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 per dwelling 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.

8. Before any other work commences 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 0.35 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.

9. Prior to the occupation of the dwellings 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.

10. Upon formation of the visibility splays as detailed in 5 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.

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

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

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

13. During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

14. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological

Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

15. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vii) water features.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant)].

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

17. 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 dwelling shall not be subject to extensions, alterations, roof alterations and buildings.

18. Prior to the commencement of development details and samples of the materials to be used in the walls, roof and windows shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990
2. 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. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016)
13. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
14. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development
15. To ensure that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2 and ENV7 of the Unitary Development Plan (March 2010).
16. To ensure that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2 and ENV7 of the Unitary Development Plan (March 2010).
17. In the interest of protecting the amenity of the area in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
18. 17. In the interest of protecting the amenity of the area in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

## **Informative Notes**

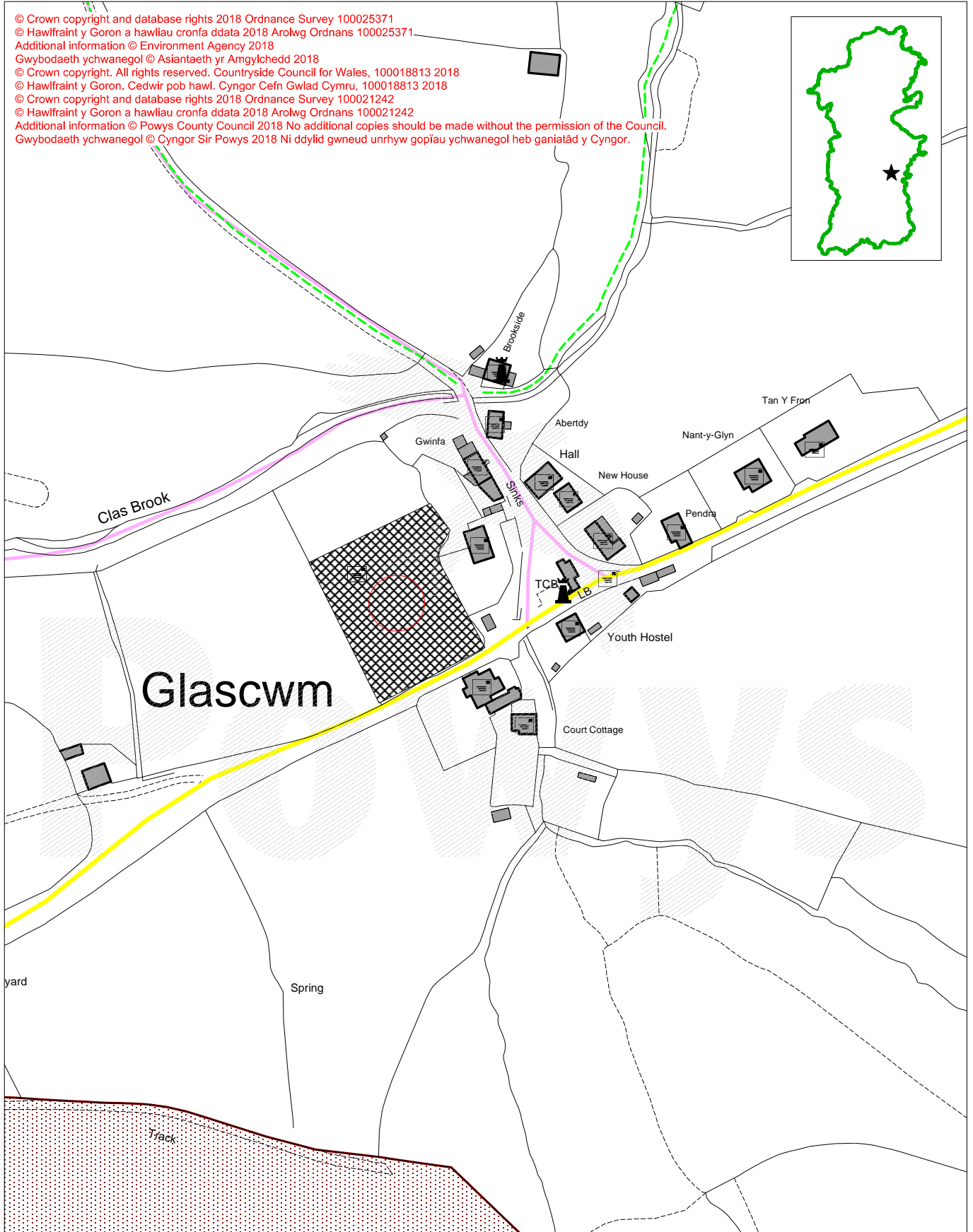
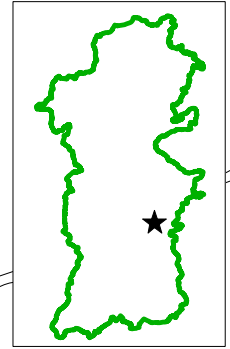
A Building regulations application may be required, please contact Building Regulations on 01874 612290.

---

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

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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



## ORIGINAL COMMITTEE REPORT AUGUST 2017

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

**Application No:** P/2017/0078 **Grid Ref:** 315770.54 253230.59

**Community Council:** Glascwm **Valid Date:** 31/01/2017 **Officer:** Tamsin Law

**Applicant:** Sheila Powell c/o Agent

**Location:** Land at Glascwm, Glascwm, Powys

**Proposal:** Full: Erection of a single dwelling, creation of access, installation of septic tanks and all associated works

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

#### **The reason for Committee determination**

The application is to be determined by planning committee as it represents a departure from the development plan.

#### **Site Location and Description**

This site is located off the C1336 classified highway in the rural settlement of Glascwm. The site is located adjacent to existing dwellings within the rural settlement. The existing site is currently used as agricultural grazing land bound by mature hedgerows with the classified highway to the south of the site.

This application represents a departure from the current Unitary Development Plan and seeks full consent for the erection of one three bedroom market dwelling and construction of vehicular access. Initially the application sought consent for two open market dwellings however following concerns raised by Officers this was reduced to a single dwelling.

The dwelling measure approximately 11.4 metres in width, 8.2 metres in length, with a maximum height of 8.3 metres falling to 5.3 metres at the eaves. The dwelling will be finished with stone and rendered walls, a slate roof and timber windows and doors.

#### **Consultee Response**

##### Glascwm Community Council

Please can you note that a request has come into the Community Council to have the following addition added to the email sent to the planning department regarding planning application P/2017/0078. Discussions held with members of the public at the meeting resulted in a request that the planning application be made for the properties to be "affordable dwellings".

## PCC - Building Control

Building Regulations approval will be required for this proposal.

## PCC - Highways

### *1<sup>st</sup> Response*

The application site has previously benefitted from a conditional consent for the provision of four dwellings under planning application PR106/04; the principle of development from a highway perspective is therefore established. The Highway Authority would not therefore object to the proposal, subject to the inclusion of appropriate highway conditions.

It is noted however that the eastern access visibility splay detailed on the layout drawing, passes over land outside of the application site and it is not clear if the land in question is under the control of the applicant. This matter needs to be suitably addressed in order that the following highway conditions can be attached to any consent that may be granted and subsequently enforced thereafter.

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.

HC4 Within 5 days from 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 45 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 Within 5 days from 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 dwellings, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling 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 Within 5 days from 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 0.35 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.

HC21 Prior to the occupation of the dwellings 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,

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.

### *2<sup>nd</sup> Response*

I refer to the amended plans relating to the above site and have no further comments to make.

### Wales & West Utilities

According to our mains records Wales and West Utilities has no apparatus in the area of your enquiry. However Gas piped owned by other GTs and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

### Cllr Maureen Mackenzie

I am writing in respect of this application which is in my Ward.

This seems to be a revival of an application in the same location by family members which was finally resolved by a public enquiry and the refusal of permission.

I would be grateful if you could let me know where I can locate the papers on that previous decision.

I would also wish to call in this application should it indeed proceed, given the above mentioned circumstances. Can you please take this as a request to be noted.

## PCC - Environmental Health

Having taken a look at the proposed development and given consideration to noise creation, I would firstly recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

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

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

Secondly regards possible dust control - During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

Thirdly I will require further information regards the intended septic tanks such as their capacities and size of the drainage fields. Additionally as required by document H2 of the Building Regulations a percolation test needs to be done to ensure drainage fields are sufficiently sized and ground conditions are such that water can drain adequately. This percolation test should be carried out in accordance with document H2 of the Building Regulations with full calculations supplied to Environmental Health and test holes left open for an officer to inspection.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

## Clwyd Powys Archaeological Trust

Information retained within the Regional Historic Environment Record indicates that the development is located on the eastern edge of the medieval historic core of Glascwm. There are no recorded archaeological sites here, but there is a potential for previously unrecorded sub-surface archaeology related to the former layout of the medieval village including former timber-framed dwellings and associated features like refuse pits, plot boundaries and light industrial development for eg. corn drying. The plot slopes to the north and on the 2 metre NRW Lidar coverage there is a short length of a possible former trackway through the plot which is undated.

Accordingly we would recommend that an archaeologist is contracted to be present throughout the duration of initial topsoiling, , ground preparation and foundation excavation works in order that an adequate record of any archaeological features revealed by these

works can be made. This advice is in accordance with the guidance set out in WO Circular 60/96 Planning and the Historic Environment: Archaeology and Planning Policy Wales (Chapter 6, Edn. 8 Jan 2016).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI).

A suitable condition to facilitate the contracted watching brief is provided below along with a guidance note for the applicant on how to commission archaeological works.

Suggested planning condition to facilitate an archaeological watching brief

*The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: [markwalters@cpat.org.uk](mailto:markwalters@cpat.org.uk) Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.*

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

I have attached a guidance note on completing watching briefs for the applicant together with an advisory list of contractors who may wish to tender for the work. Please forward these to the applicant so that they are fully informed of the requirements.

## **Representations**

The application was advertised through the erection of a site notice and press advertisement. Fourteen objections have been received and are summarised below.

- The application site is in a rural settlement and is contrary to UDP policies
- There is enough housing in Glascwm
- The proposal is not in-keeping with the existing dwellings in Glascwm
- Concerns raised over highway safety
- Few services in the area
- The application would set a precedent for further applications in the Rural Settlement
- The development could lessen the appeal of the area to visitors and residents
- Previous applications on the site have been refused and dismissed at appeal
- The dwelling would dominate the village and the landscape

- The development site does not represent a sustainable location
- Limited services in the locality
- No evidence submitted to demonstrate that the proposed development would demonstrably sustain the local community
- There are no transport links in the area
- Glascwm is not a sustainable community
- Houses in Glascwm remain on the market for years
- The development would not achieve a balance between housing and employment
- Contrary to policies HP4, HP6, HP8 and HP9 of the Powys UDP.

One anonymous letter was received in support of the application.

### **Planning History**

-P/2009/0522 - Renewal of outline consent PR106 /04 for the erection of four dwellings, new access and installation of private treatment plant. Refused.

-P/2008/1792 -Variation of condition: Variation of condition 1(b) of planning approval PR106/04 to extend the time limit to submit reserved matters (SO 15 SE). Refused.

### **Principal Planning Constraints**

None

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (9th Edition, 2016)

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

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

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

Technical Advice Note (TAN) 12 - Design (2016)

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2013)

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

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

#### Local planning policies

Powys Unitary Development Plan (2010):

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
TR2 - Tourist Attractions and Development Areas  
HP3 - Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Development  
HP6 - Dwellings in the Open Countryside  
HP9 - Affordable Housing in Rural Settlements  
HP14 – Sustainable Housing  
DC1 – Access by Disabled Persons  
DC3 – External Lighting  
DC8 – Public Water Supply  
DC11– Non-Mains Sewage Treatment  
DC13 – Surface Water Drainage

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**

### 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.

### Principle of Development

This application site lies adjacent to existing dwellings which form part of the built area of the rural settlement of Glascwm. The proposal is for a single market dwelling and therefore the proposed development cannot be considered under policy HP9. A single market dwelling in the proposed location represents a departure from the adopted Unitary Development Plan.

### Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

*'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply*

*below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.*

### Sustainability

In considering a departure from the Powys Unitary Development plan policies officers must consider the location of the proposed development in terms of the wider sustainability of the development. We must take into account the range of services and facilities available within close proximity to the site and within a short travelling distance.

Glascwm is defined in the UDP as a rural settlement with no allocated sites designated within the plan. The settlement itself has limited services and facilities but the nearby settlements of Hundred House (4.2 miles, approximately 10 minute drive) and Franksbridge (5.3 miles, approximately 15 minute drive) benefits from further services. The site is also located within driving distance of Builth Wells (9.6 miles, approximately 20 minute drive) which has a large range of services and facilities.

Policy HP9 supports proposals for affordable dwellings in rural settlements where dwellings are sensitively located without affecting the amenity and character of the area and where they comply with the affordability criteria of policy HP10 and policy HP7. Given that a proposal for an affordable dwelling on the site proposed would be acceptable in principle, Officers consider that given the current lack of housing land supply the principle of a market dwelling in the proposed location is considered to be acceptable subject to all other materials considerations.

In light of the range of services located within travelling distance of the development site, Officers consider that there is an argument to support the principle of residential development at this location given its siting adjacent to a rural settlement. Therefore, it is considered that the proposed site is considered to be an acceptable location for residential development.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

It is acknowledged that third parties have raised objections with regards the proposed design of the dwelling. However the use of stone and render echoes materials already in use in Glascwm. The design is a traditional two-storey dwelling and existing hedgerows will be maintained to screen the development. The proposed dwelling measures approximately 11.4 metres in width, 8.2 metres in length, with a maximum height of 8.3 metres falling to 5.3 metres at the eaves.

The existing dwellings are located to the south east of the site and Officers consider that sufficient distance is maintained between the properties to ensure that there will be no detrimental impact on neighbour amenity.



Officers consider that the design, size and scale of the dwelling is in keeping with the area and does not unacceptably adversely affect the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is considered to be well connected to the rural settlement of Glaschw being adjacent to the existing dwellings. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. It is also considered that the proposed site is well integrated within the existing rural settlement and would not have a significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policies ENV2 and TR2 of the Powys Unitary Development Plan 2010.

### Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and have commented that part of the visibility required for the dwelling would fall over an area that did not appear to be in the applicants' ownership. Confirmation has been received from the agent on the application that the visibility would remain clear and a condition requiring this visibility will be attached to any consent. Following re-consultation with the Highways Authority no further comments have been made.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

### Foul Drainage

The proposed foul drainage from the site is in the form of a septic tank. As part of this application process the relevant bodies have been consulted with Powys Environmental Health requiring additional information regarding porosity tests. This information has been received and Environmental Health reconsulted on the information. A response has yet to be received and will be provided as part of an update report.

### 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within

the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Glaschwmm has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Llanellwedd Ward reported that 13.9% of the population spoke Welsh. This is an increase from the 2001 census which stated that 12.56% of the population of Llanellwedd spoke Welsh. Whilst there are limited facilities in the area the development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

### 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.

#### 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 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 subject to conditions.

### **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 (drawing no's: 1157-004 and 1157-002) stamped as approved on xxxxx.
3. 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.
4. 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.
5. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 45 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.
6. Before any other work commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.
7. 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 per dwelling 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.
8. Before any other work commences 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 0.35 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.

9. Prior to the occupation of the dwellings 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,
10. Upon formation of the visibility splays as detailed in 5 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.
11. No storm water drainage from the site shall be allowed to discharge onto the county highway.
12. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:  
  
0800 - 1800 hrs Monday to Friday  
0800 – 1300 hrs Saturday  
At no time on Sunday and Bank Holidays  
  
Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
13. During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.
14. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: [markwalters@cpat.org.uk](mailto:markwalters@cpat.org.uk) Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

## **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. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
13. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
14. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

---

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

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

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

### UPDATE REPORT TO ORIGINAL REPORT AUGUST 2017

<b>Application No:</b>	P/2017/0078	<b>Grid Ref:</b>	315770.54 253230.59
<b>Community Council:</b>	Glascwm	<b>Valid Date:</b>	<b>Officer:</b> 31/01/2017 Tamsin Law
<b>Applicant:</b>	Sheila Powell c/o Agent		
<b>Location:</b>	Land at Glascwm, Glascwm, Powys		
<b>Proposal:</b>	Full: Erection of a single dwelling, creation of access, installation of septic tanks and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

#### The reason for the update

Additional correspondence has been received from a third party and the Local Member and to provide further clarification on the development.

#### Representations

Additional correspondence has been received opposing the proposed development as is summarised below;

- The change from two dwellings to one dwelling does not alter any previous objections.
- The number of houses does not change the fact that an approval would be contrary the UDP.
- The design of the building would negatively impact the character of the settlement.
- Any approval could be used as a precedent for future development not only in Glascwm but anywhere in the County.
- Concerns over future development of the site.

Correspondence received from Councillor Maureen Mackenzie has been appended to this report.

#### Planning History

Further clarification regarding the history of the site is provided below.

In 2004 outline planning permission was granted at appeal for the development of four dwellings. In 2007 an application for reserved matters was submitted and subsequently refused by the Council. The applicant then submitted an appeal which was dismissed by the Planning Inspectorate.

In 2008 an application was submitted to allow further time for reserved matters to be submitted for approval. Planning application P/2008/1792 was refused on the 16<sup>th</sup> December 2008 as the application site fell within an area of open countryside. The applicant appealed the decision which was then dismissed by the Planning Inspectorate due to the development being outside the development boundary.

A further application to extend the time for reserved matters to be submitted was received in 2009. Planning application P/2009/0522 was refused on the 30<sup>th</sup> September 2009 on the basis that the site was located within an area of open countryside and would be detrimental to the visual amenity and rural character of the area.

## **Officer Appraisal**

### Visual Amenity

Officers consider that the proposed development, being a full planning application, provides sufficient detail to ensure that the development assimilates well into the surrounding landscape and does not have a detrimental impact on the character and appearance of the area. The use of stone walls, slate roof and timber windows and doors will echo materials used in existing dwellings in the settlement. Whilst concerns have been raised over the design of the dwelling the dwelling would be set at a lower level than surrounding properties, other dwellings within Glascwm are large and detached, some being three storey, and more recent developments are of a similar design. As such it is considered that the proposed dwelling would not have a detrimental impact on the character and appearance of the area.

As the site slopes down away from the adjoining road it is considered appropriate to require existing and proposed site levels to ensure that the completed dwelling does not have any detrimental impact on the surrounding area or amenity.

### Highway Safety

For clarification in relation to highways comments regarding third party land, confirmation was received from the adjoining landowner that nothing will be built or planted in the line of the visibility and they are aware of the application as submitted. Following receipt of this information Powys Highways were consulted and had no further comment to make on the application.

### Listed Buildings

Policy ENV14 states that proposals for development unacceptably adversely affecting a listed building or its setting will be refused. Technical Advice Note 24: The Historic Environment (2017) provides further guidance on Listed Buildings.

The application site lies approximately 35 metres to the east of a listed telephone box and approximately 185 metres to the east of a listed church. The phone box is located within a triangular parcel of land in the centre of Glascwm. Between the site and the phone box lies a residential garage and mature trees which screen the development from the telephone box and it is considered that the development would not be visible from the telephone box. Due to the topography of the land the church lies at a higher level than the application site and mature trees surround the listed church, screening the building from the proposed development. It is considered that the distance maintained from the listed buildings, the existing screening and that the proposed dwelling will be seen in the setting of existing residential dwellings.



It is considered that the proposed materials used in the development, timber, slate, stone and render are traditional and will complement the listed structures in the area.

As such it is considered that the proposed development does not have an unacceptable impact on the setting of nearby listed buildings and is in accordance with policy ENV14 and Technical Advice Note 24 (2017).

## **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 subject to conditions outline in the update report.

### **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 (drawing no's: 1157-004 and 1157-002) stamped as approved on xxxxx.
3. 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.
4. 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.
5. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 45 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.
6. Before any other work commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

7. 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 per dwelling 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.
8. Before any other work commences 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 0.35 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.
9. Prior to the occupation of the dwellings 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,
10. Upon formation of the visibility splays as detailed in 5 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.
11. No storm water drainage from the site shall be allowed to discharge onto the county highway.
12. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:  
  
0800 - 1800 hrs Monday to Friday  
0800 – 1300 hrs Saturday  
At no time on Sunday and Bank Holidays  
  
Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
13. During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.
14. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: [markwalters@cpat.org.uk](mailto:markwalters@cpat.org.uk) Tel: 01938 553670). After approval by the Local

Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

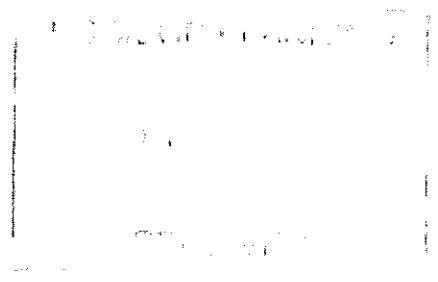
15. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. 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. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
13. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
14. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
15. In the interest of the amenity of the area in accordance with Policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

rechecked ✓

✓ U



PENARTH,  
Cregina,  
Llandrindod Wells,  
LD1 5SF.

23/07/17.

Dear Tamsin Law,

Re : P/2017/0172

Please give my apologies to the planning committee for my absence,

I feel it is appropriate that I give a sense of my position in respect of this application.

Historically, I was not directly involved with any application on this site as it overlapped Council elections, and therefore my new role as the local Member. I know the area quite well, living within 2/3 miles just outside the adjacent village of Cregina, in a well established farmhouse surrounded by open farmland.

Our family have taken part in church, village and wider community events in Glascwm over the last 20 years, but I consider I have neither a personal nor a prejudicial interest in this matter. I have been the County Councilor for the Llanelwedd Ward since May 2008.

I was present at the Community Council meeting when this application was initially discussed, and also at a meeting of the Glascwm Housing Action Group by request and at the invitation of some local constituents.

In respect of the application on this site I am aware of the past issues, prior to the present application, which have left a 'bad taste' and an unsightly old metal portacabin which served as a reminder until very recently.

Glascwm has been designated as a "rural settlement" within the UDP. It is an attractive rural settlement with a Medieval Church, a Rectory and some traditional Welsh farm cottages. It is however relatively distant from amenities; the journey to the towns of of Builth Wells and Llandrindod Wells definitely requires vehicles and parents. School transport is limited to school journeys and there is no longer a bus service. Younger residents therefore are restricted unless they have additional resources such as parents who have flexible work patterns.

There was no local consultation by the Applicant about this proposed development, whether for two houses or one. This, I believe, is why members of the Glascwm Housing Action group have sought my support. I am aware that some members of the surrounding community members do not have the

same reservations but this conflict of views is not the issue. The issue is that of the Powys County Council Development plan in which development in a rural settlement is outwith the UDP.

There may a case to be made for more housing in this rural locality and in particular for more affordable housing – whether for purchase or rental – but this case has not been made to date and is not a part of the Council's current Policy. Unless and until this has been agreed, I think it important that the Council respects and is seen to respect its own already agreed Policy, and only gives consideration to applications which would breach these Policies in the most exceptional circumstances.

I cannot myself see that this application presents any such exceptional circumstances and I trust that the Committee will take its responsibilities to respect the Council's agreed Policy with due seriousness and not risk undermining public confidence in the Council's integrity with any casual or poorly thought through decision.

*Maureen Mackenzie.*  
County Councillor.

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

# 4.3

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

<b>Application No:</b>	P/2016/1154	<b>Grid Ref:</b>	318705.82 320651.4
<b>Community Council:</b>	Llanfechain	<b>Valid Date:</b>	<b>Officer:</b> 20/12/2016 Tamsin Law
<b>Applicant:</b>	Mrs Humphreys, c/o agent.		
<b>Location:</b>	Land opposite Wesley Terrace, Ystryd y Ceunant, Llanfechain, Powys, SY22 6UR.		
<b>Proposal:</b>	Residential development for up to 6 dwellings including formation of vehicular access and associated works (outline)		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The application is recommended for approval and is a departure from the development plan.

### Site Location and Description

The site is indicated to cover an area of 0.6 hectares and is located to the north of Llanfechain. The site is directly adjoining the development boundary of Llanfechain, as indicated on Inset Map M155 of the Powys UDP.

The site is currently open agricultural grassland and is bound to the north east and north west by existing agricultural land, the south west by the adjoining highway and the south east by existing residential dwellings. The proposed site is to be accessed via the county unclassified highway U2041.

Consent is sought in outline with all matters reserved, apart from access, for future consideration.

### Consultee Response

#### Llanfechain CC

Llanfechain Community Council would like to point out that when this site was put forward as a possible candidate site for the LDP, the Community Council recommendations were:

- a) Development here should take into account its proximity to the village conservation area and be appropriately sympathetic.
- b) The area is subject to occasional flooding resulting from surface run off.
- c) The road is particularly narrow at the point of entry to this area.
- d) Any building here will increase the traffic through the village.

It was also noted that extracts from the Sites Status Report for December 2013 were:  
“The highways and flooding issues highlighted that deem this site unsuitable are consistent with the Inspectors conclusions when looking at this site previously. Therefore it is recommended we go with the Inspectors previous decision to reject the site.

Proportion of the site including access is in Floodzone - Red. Highways unsuitable class III road serving site -Red. Minerals – Red”

The area is known to have been flooded in the past (TAN 15 Development Advice Map), as a result of overflowing culverts, and can still be subject to occasional flooding.

Proposed plans to widen the road would not alleviate the problem of the narrow point of entry. Any new development could cause an increase in traffic through the village, which is already hazardous to pedestrians due to the narrow road and lack of pavements.

If any development were to take place, it should take into account it's proximity to the conservation area by conditional designs that reflect this by using suitable materials that are environmentally friendly and are of a sustainable nature.

#### Highways Dept north

##### 1<sup>st</sup> Response:

Whilst we would welcome improvements on this part of the highway network, as we have historically received complaints from neighbouring properties receiving damage from Agricultural traffic and I understand there is a HGV Operating Centre just further up the highway from this location. The current highway is virtually on a 90 degree bend.

The current highway access that has been submitted does not adhere to the requirements for a right turning vehicle and the access would need to be moved further to the southern boundary to achieve the required visibility.

Whilst I appreciate the village has a Primary School and Local facilities the site is divorced from good pedestrian links and there appears to be no scope to address this concern due to the constraints of having no highway verge to implement any improvements.

In its current format the Highway Authority cannot support the application and recommend refusal in the interests of highway safety.

##### 2<sup>nd</sup> Response:

The proposal is in an unsustainable location and therefore should be refused.

##### Reasons for Refusal

The local road network is typified by narrow carriageways with no footways and little or no verges. If the homes are offered to the open market then (as pointed out in Officer comments Feb 2017) there is little scope for providing improvements for pedestrians along these narrow, twisting local streets to mitigate against the increase in pedestrian and vehicle traffic.



There is potential to create an additional pedestrian access from the street to the south, adjacent to Rose Cottage, by utilising the existing field access. Again, the highway at this point is provided with narrow verges.

The point of access is included in the application site and the works include providing additional highway on the site side and adjustment to kerb line on the opposite side of the road. These proposals still do not afford adequate visibility from and to a vehicle waiting to turn right into the site.

It is therefore recommend that the application be refused as the additional traffic that would be generated by the proposal would exacerbate the current situation to the detriment of highway safety.

3<sup>rd</sup> Response:

Prior to any works being commenced on site full engineering drawings for the alteration of the county highway, as detailed on the amended drawing received on the 31st October 2017, shall be submitted and approved in writing by the local planning authority

HC1 Prior to the occupation of the dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 10 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 0.26 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 areas 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 Within 10 working days from 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC9 Prior to the occupation of each 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. The parking areas shall be retained for their designated use in perpetuity.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5 metres and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained at this width for as long as the development remains in existence.

HC17 Prior to the occupation of the development a 2.0 metre wide verge shall be provided on the each side of the site access and along the full (new) frontage of the site onto the road and shall be retained at for as long as the development hereby permitted remains in existence.

HC19 No building shall be occupied before the access is constructed to and including binder course level to an adoptable standard including the provision of any surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC21 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

#### Building Control

Building regulations application required.

#### Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

### Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

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

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

### Built Heritage Officer

I can confirm that the property lies in open countryside immediately adjacent to the Llanfechain Conservation Area and opposite Cain Villa a listed building Cadw ID 82421 listed on 28 January 2001.

Whilst not having an objection in principle to the proposed development, I would have concerns with the application which is made in outline.

I would refer to policy ENV11 which clearly indicates that development within or adjoining conservation areas would need to be made in full and not outline.

I would also refer to the guidance in paragraph 6.5.20 of Planning Policy Wales 9<sup>th</sup> Edition 2016 which states that there “ *should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. It is preferable, for both the applicant and the local planning authority, for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline, application.*”

In addition PPW continues in paragraph 6.5.21 that “*There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level*”

As the application is made in outline that does not afford the ability to consider whether the proposal would adversely affect the character or appearance of the conservation area, or enhance the character or appearance.

Whilst the application is made in outline, there is an indicative layout and I cannot agree with the assumption that *the detailed design of the development will be a matter for consideration at reserved matters stage. However the indicative layout, scale and materials proposed will ensure that the development can integrate within its surroundings without giving rise to unacceptable impacts.*

The proposed indicative layout indicates a standard housing estate layout which is not found within the Llanfechain conservation area, where the properties are facing the road. The orientation of the properties abutting the road is of particular concern with the gables of 2 houses facing the road, and opposite the listed Cain Villa. I would consider that this form of layout whilst indicative would not enhance the character or appearance of the conservation area, to the contrary. The proposal would present the gable of houses with understandably a boundary treatment to afford some form of privacy to the rear gardens, which would be completely at odds with the character of the conservation area.

I would request that the application be withdrawn and resubmitted in full taking into account any comments from consultees, and if not withdrawn the application be refused as it fails to comply with Local Plan Policy ENV11 and SP3b and PPW in that the impact on the character and appearance of the conservation area and the setting of the listed building cannot be assessed in outline.

Whilst objecting to the principle of accepting an outline application in this location, should an outline application be considered acceptable contrary to UDP policy ENV11, I would request that consideration be given to a revised layout less standardised than the housing development suggested at indicative stage and more in keeping with the character and appearance of the conservation area.

#### Contaminated Land Officer

In relation to Planning Application P/2016/1154 there would be no requirements in respect of land contamination.

#### Land Drainage Officer

Having reviewed the Flood Consequence Assessment for the above application and, considered the response made by NRW, the LLFA would make the following comments.

#### Land Drainage / Flood Risk

Comment: The LLFA is aware of flooding issues in the vicinity of the proposed development site but not of the site itself. However, through the efforts made by interest parties and input from local residents, a better understanding of the historic flooding mechanism of the site is apparent.

It is understood that flooding in the lower eastern part of the site is attributed to surface water run-off from adjoining superior land, which is stored on site through existing topography and a small earth bund along the eastern boundary. It is important therefore the applicant considers how surface water run-off from the surrounding land will be controlled without exacerbating and/or creating any flooding problems on site or elsewhere through displacement of any floodwater.

The siting of any proposed dwelling or alteration of contours within the proposed site shall not compromise the function of the natural flood storage feature. Not only will this land drainage feature need to be safeguarded, there is also need for careful design towards the introduction of an appropriate interception drainage ditch to control surface water run-off from the adjoining superior land.

### Surface Water Drainage

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to a sustainable drainage system. Further indications are made within the Planning Statement to indicate that surface water will be dealt with by sustainable means within the limits of the site.

No surface water drainage details/drawings have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design such as that recently published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems” dated January 2017 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

The general soil type for the site location is described as being ‘freely draining slightly acid loamy soils’ which would naturally absorb rainfall and allow it to drain through to underlying layers. The use of sustainable drainage techniques and or soakaways to successfully dispose surface water run-off in this type of soil structure should certainly be achievable. It is essential the proposed surface water drainage arrangements do not cause or create a flood nuisance on or off site.

### Environment Protection.

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

Recommendation: Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage features shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government’s non-statutory standards for

sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage features and surface water drainage systems throughout their lifetime.

The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

Reason: To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design.

## NRW

### 1st Response

Thank you for consulting Natural Resources Wales (letter dated 29/12/2016) regarding the above.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

### Summary of Requirements and conditions

Requirement 1 – FCA: The applicant revises the FCA as specified below to address deficiencies in the submitted FCA.

Condition 1 – European Protected Species (EPS): Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).

### Flood Risk

The proposal involves highly vulnerable development partly within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partly at risk from the 1 in 100 year and 1 in 1000 year annual probability fluvial flood outline of the River Cain.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding the above policy advice, we have reviewed the flood consequences assessment (FCA) submitted and our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an appropriate level in line with TAN15.

Requirement 1 – FCA: The applicant revises the FCA as specified below to address deficiencies in the submitted FCA.

Local knowledge based on historic representations from local residents suggest that the site has been affected by overland flows from the north of the site.

The site abuts DAM C2 indicating fluvial flooding from the Afon Cain. Historic flooding referred to above does not derive from the main river but from other sources and so we advise that a more detailed FCA investigates the flood risk further.

Whilst the FCA recommends that finished floor levels of the proposed are set 300mm above adjacent ground level and that sustainable drainage techniques are utilised, no consideration has been given to impacts on third parties or how existing drainage problems can be overcome.

The revised FCA must source anecdotal information from local residents, in particular those who have openly commented as part of this application. Please refer to the Planning Portal for detail.

We would also expect to see reference to communications with the Lead Local Flood Authority, namely Powys County Council drainage team, over Historic flood risk information, especially if any are associated to the existing section of culverted watercourse running along the northern boundary of the proposal.

Furthermore, we note that the Local Development Plan Candidate Site Status Report (2015) for this area stated:

‘The highways and flooding issues highlighted that deem this site unsuitable are consistent with the Inspectors conclusions when looking at this site previously. Therefore it is recommended we go with the Inspectors previous decision to reject the site.’

We would therefore expect the FCA to give a justification as to why this proposal is now considered acceptable at this location.

The access/egress is entirely with DAM C2. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape/evacuation is feasible.’

## 2<sup>nd</sup> Response

Thank you for consulting Natural Resources Wales (letter dated 09/08/2017) regarding additional information on the above.

Our comments below relate to the flood risk aspect of the development only. All other comments and recommendations in our previous response also remain applicable.

Our significant concerns with the proposed development remain valid. We recommend that you should only grant planning permission if your drainage engineers, acting as Lead Local

Flood Authority (LLFA) are satisfied that flood risk can be managed as a result of the proposals:

Requirement – LLFA: Confirmation that the LLFA are satisfied that the flood risk associated with localised drainage problems can be appropriately managed

## Flood Risk

In our previous response of 13/01/2017 (CAS-27661-Y1X4) we included a requirement that a revision to the Flood Consequence Assessment be submitted.

We acknowledge receipt of revised proposals which further remove built development from Zone C2 of the development advice maps associated with TAN15 and the findings of the Flood Risk Scoping Report (FRSR) (Waterco), dated May 2017.

We also acknowledge and appreciate that open discussion between all parties, including local residents has helped in understanding the historic flooding mechanism of the site. Ensuring all sources of information are available to all parties undoubtedly helps the Planning Authority secure sustainable developments with appropriate mitigation by way of reasoned co-operation between all parties.

Should your authority consider the proposals to be justifiable, in accordance with TAN15, we consider that your drainage engineers are consulted on the proposals, for the following reasons:

The FRSR has identified that flood risk to the site is not directly related to fluvial flood risk from Afon Cain (Main River). The main flood risk to parts of the site and neighbouring land and property, is associated with a combination of surface water run-off, retention on lower land and blocked culverts. Such flood risk should be considered by the LLFA.

The anecdotal evidence and Powys CC reports, with the FRSR demonstrate that reorienting the built development, without any further mitigation, does not necessarily remove risk to the proposed development, nor guarantee that risk to third parties is either controlled or removed.

Communication with the LLFA has highlighted the known risks from inadequate drainage/culverts in the vicinity. The LLFA may consider that this current planning proposal could provide the opportunity, to introduce betterment in terms of localised drainage improvements (inlets, outlets, culvert capacity, re-opening of culverts, ground recontouring etc). Cut-off drains and new drainage channels/swales should be considered as part of the overall drainage strategy to further ensure a more sustainable new development whilst providing wider community benefit.

Your drainage engineers may consider that further clarification is needed on:

- how the eastern retention area will be secured and managed and by whom.
- How the orientation of the proposed new dwellings and associated infrastructure will ensure existing overland run-off is not impacted.

In summary, whilst we acknowledge the findings of the Flood Risk Scoping Report and have no objection in terms of fluvial flood risk, your authority's drainage engineers may consider there is further work required to address localised drainage issues.



Requirement – LLFA: Confirmation that the LLFA are satisfied that the flood risk associated with localised drainage problems can be appropriately managed  
Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

## **Representations**

The application has been advertised through the erection of a site notice and press advertisement. Twelve objections have been received and are summarised below;

- The site is located outside the development boundary on greenfield land
- Concerns regarding highways safety, the increase in numbers and types of vehicles and the impact on pedestrians
- Concerns raised regarding the flood zone and surface water flooding
- Concerns regarding the impact of the development on the conservation area
- Housing stock in Llanfechain has doubled in the last 20 years
- There is a lack of affordable housing provision on the site
- The site has been discounted as an allocation in the emerging LDP
- Concerns regarding the sewerage infrastructure within Llanfechain

## **Planning History**

No History

## **Principal Planning Constraints**

Conservation Area  
Listed Building opposite  
Flood Zone B

## **Principal Planning Policies**

National planning policy

Planning Policy Wales (9th Edition, November 2016)  
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)  
Technical Advice Note 2 - Planning and Affordable Housing (2006)  
Technical Advice Note 5 - Nature Conservation and Planning (2009)  
Technical Advice Note 11 – Noise (1997)  
Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 – Development and Flood Risk (2004)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 20- Planning and the Welsh Language (2017)  
Technical Advice Note 23 - Economic Development (2014)

#### Local planning policies

Powys Unitary Development Plan (2010)  
SP2 - Strategic Settlement Hierarchy  
SP3 - Natural, Historic and Built Environment  
SP4 - Economic and Employment Developments  
SP5 - Housing Development  
SP6 - Development and Transport  
SP9 – Local Community Services and Facilities  
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  
ENV4 – Internationally important Sites  
ENV5 – Nationally Important Sites  
ENV6 – Sites of Regional and Local Importance  
ENV7 – Protected Species  
ENV 10 - Conservation Area Enhancement & Town Schemes  
ENV 11 - Development in Conservation Areas  
HP3 - Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Development  
HP6 - Dwellings in the Open Countryside  
CS3 – Additional Demand for Community Facilities  
RL6 – Rights of Way and Access to the Countryside  
T2 - Traffic Management  
DC8 – Public Water Supply  
DC9 – Protection of Water Resources  
DC10 - Mains Sewerage Treatment  
DC13 - Surface Water Drainage  
TR2 – Tourist Attractions and Development Areas

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide (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

#### **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.

### Principle of Development

The application site is located wholly outside but adjoins the settlement development limits for Llanfechain as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policies HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

### Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The most recent Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies"*.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

### Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be within a sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llanfechain is defined as a small village in the UDP. Whilst small villages do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area. It is noted that the settlement of Llanfechain is served by a number of facilities including a primary school, shop, garage, community centre and public house. The village also benefits from good transport links to surrounding settlements including the key settlement of Llansanffraid ym Mechain approximately 2 miles to the east of the site.

It is also important to note that in the emerging LDP Llanfechain will be promoted to a large village.

In light of the above the site is considered to be situated within a sustainable location.

#### Affordable housing provision

The Unitary Development Plan Policy HP7 requires the provision of affordable housing within applications for five or more dwellings or sites of 0.3 hectares and over. It is noted that indicative layout plan demonstrates a development of six dwellings and the site extent is 0.6 hectares, as such affordable housing provision will need to be conditioned as part of any consent. Subject to appropriately worded conditions it is considered that the proposed development fundamentally complies with relevant planning policy.

#### Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 6 dwellings could be accommodated on the site.

Although Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 6 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2, ENV14 and HP5.

#### Landscape and Visual Impact

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change.

In terms of landscaping the indicative layout plan indicates that there will be existing hedgerows retained within the site. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

### Built Heritage

UDP Policy ENV11 stated that proposals for development within or adjoining a conservation area should be of high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed.

Policy ENV14 of the Powys Unitary Development Plan (2010) states that proposals for development which unacceptably adversely affect a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting, account will be taken of the following: The desirability of preserving the listed building and its setting; the importance of the building, its intrinsic architectural and historic interest and rarity; the effect of the proposals on any particular features of the building; the buildings contribution to the local scene; the condition of the building and the need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design.

Due to the proximity of the site to the conservation area the Built Heritage Officer was consulted on the application. Their response states that the proposed indicative layout indicates a standard housing estate layout which is not found within the Llanfechain conservation area, where the properties are facing the road. The orientation of the properties abutting the road is of particular concern with the gables of 2 houses facing the road, and opposite the listed Cain Villa. I would consider that this form of layout whilst indicative would not enhance the character or appearance of the conservation area, to the contrary. The proposal would present the gable of houses with understandably a boundary treatment to afford some form of privacy to the rear gardens, which would be completely at odds with the character of the conservation area.

Whilst the concerns of the Built Heritage Officer are acknowledged Officers consider that as the layout, design and landscaping are matters for future consideration it is considered that through sensitive design at reserved matters stage that this could overcome the concerns raised. In order to ensure that the proposal does not detract from the conservation area or listed building, conditions will be attached to any consent requiring the submission of

landscaping details, materials to be used in the development and permitted development rights for building such as outbuildings etc. will be removed.

It is therefore considered that on balance a residential development in this location could be designed not to have an unacceptable impact on the conservation area or listed building or its setting and therefore fundamentally complies with policy ENV14 of the Powys UDP

### Highway Safety

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from County Unclassified Highway U2041.

Consultation with the highways Authority initially raised concerns regarding the proposed access. Following the submission of further information and detailed drawings the Highways Authority removed their objection subject to condition being attached to any grant of consent.

In light of the officers comments it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

### Flooding

Policy SP14 states that highly vulnerable development and emergency services will not be permitted in Zone C2.

PCC Environmental Health and NRW were consulted with regard to drainage.

The PCC officer noted that if foul drainage is to be discharged to soakaway then a porosity test will need to be submitted; if however the discharge will be to the river, then consent will be needed from the NRW.

Initial comments from NRW requested confirmation of what type of foul drainage the applicant is proposing. NRW indicated that they had records of a main sewer within close proximity of the site. NRW indicated in their comments that they would oppose a proposal to install a private treatment facility as detailed in the Foul Proposals letter dated 18th May 2017 unless the developer can demonstrate that it is not reasonable to connect to the public system.

Following the provision of additional information for consideration NRW provided further comments. They indicated that they had received further information regarding the proposed method of foul waste. This information had demonstrated that they will be connecting to the main sewer which is their preferred option. NRW confirmed that the information submitted had satisfied their previous requirement.

In light of the above it is considered that the proposals fundamentally comply with Policy DC10 of the Powys Unitary Development Plan (2010).

## Land Drainage

Policy DC13 states that development proposals will be permitted where they make adequate provision for land drainage.

Following consultation with NRW, they stated that they were content with the submitted Flood Consequence Assessment but advised that we should contact our Land Drainage Officers in order to ensure that they were content with the submitted information.

The FCA along with NRW's comments were forwarded on to the Land Drainage Officer who advised that they were aware of flooding issues in the area but not on the site itself. Land Drainage offered no objections to the proposed development subject to a condition securing details of the proposed land drainage features to be submitted as part of a reserved matters application.

As such it is considered that the proposal fundamentally complied with policy DC13 of the Powys Unitary Development Plan (2010).

## Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

## **Oher Legislative Considerations**

### 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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Llanfechain is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Llanfechain Ward there was a decrease in the number of people speaking Welsh (3 years of age and above) from the 2001 census (22.7% down to 19.6%).

Given the scale of the proposed development and the provision of affordable housing it is not considered that the proposal would have an unacceptable adverse impact on Welsh Language and culture.

#### 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 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 subject to conditions.

### **Conditions**

1. Details of the 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. Prior to the occupation of the dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
5. The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
6. The centre line of the first 10 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.
7. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 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 areas 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.
8. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of

250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. Prior to the occupation of each 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. The parking areas shall be retained for their designated use in perpetuity.

10. The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5 metres and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained at this width for as long as the development remains in existence.

12. Prior to the occupation of the development a 2.0 metre wide verge shall be provided on the each side of the site access and along the full (new) frontage of the site onto the road and shall be retained at for as long as the development hereby permitted remains in existence.

13. No building shall be occupied before the access is constructed to and including binder course level to an adoptable standard including the provision of any surface water drainage and street lighting in front of that building and to the junction with the county highway.

14. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

15. 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

17. Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage features shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land

drainage features and surface water drainage systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

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 20% affordable dwellings;
- 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. 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, alterations, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

20. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the scheme details.

## **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.

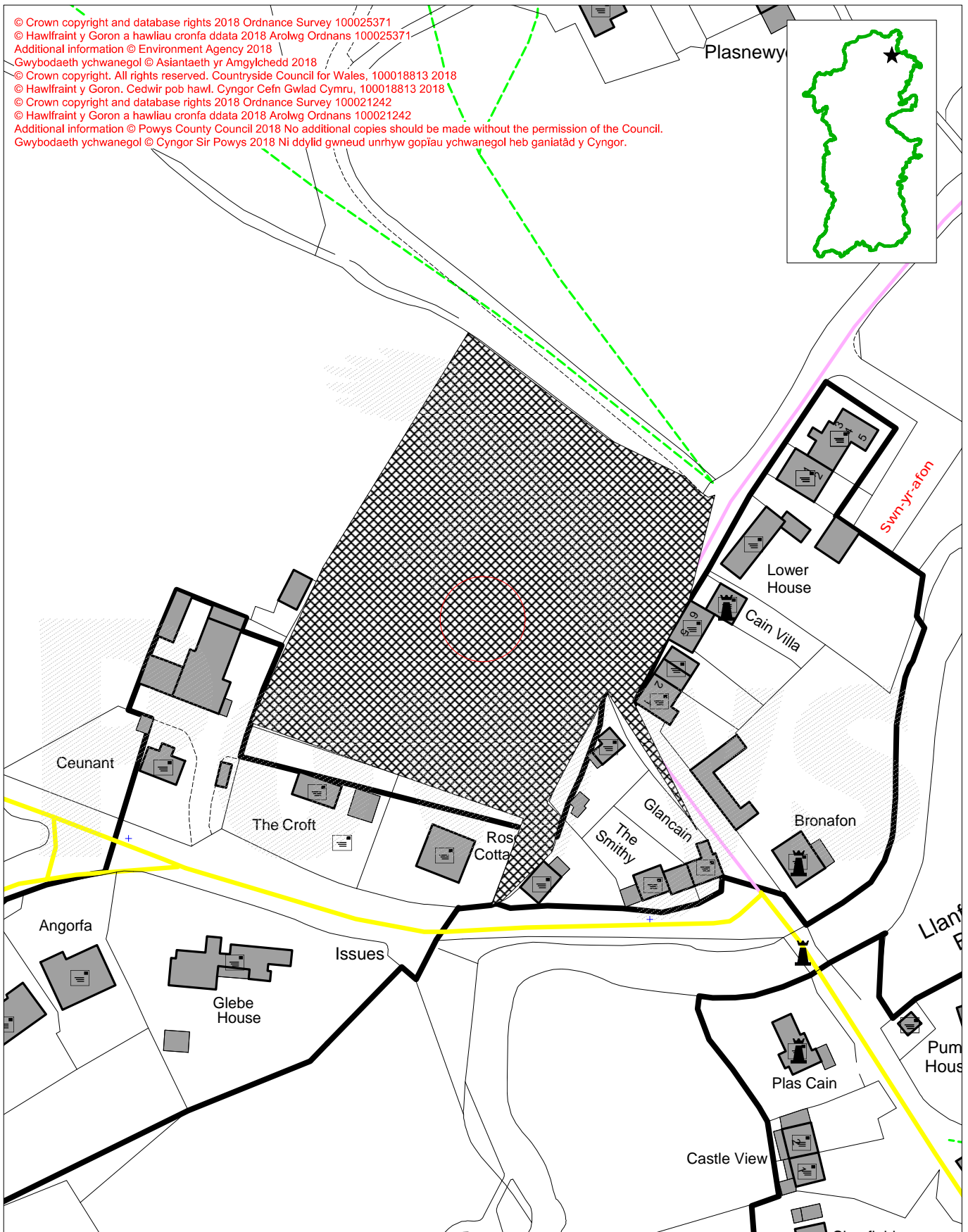
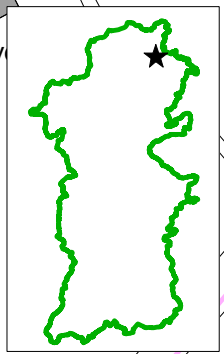
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys 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 interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design in accordance with UDP Policy DC13.
18. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
19. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
20. 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 2016.

## **Informative Notes**

---

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.4

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

<b>Application No:</b>	P/2017/1268	<b>Grid Ref:</b>	310145.64 306222.25
<b>Community Council:</b>	Llanfair Caereinion	<b>Valid Date:</b>	<b>Officer:</b> 31/10/2017 Eddie Hrustanovic
<b>Applicant:</b>	Mrs M Williams, Tanhouse Farm, Llanfair Caereinion, Powys, SY21 0BD		
<b>Location:</b>	Land adjoining Maes Gwyn, Llanfair Caereinion, Powys, SY21 0BD		
<b>Proposal:</b>	Outline: Residential Development of up to 9 dwellings (Phase 2), formation of vehicular access and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The proposed development is a departure from the development plan and is recommended for approval.

### Site Location and Description

The site subject to this application is defined as open countryside and forms a part of adjacent field currently in agricultural use and it is adjacent to recently approved planning application for 9 dwellings (P/2017/0370, Phase 1) while the current site (Phase 2) is detached from the settlement boundary, although attached via the proposed access which is leading through Phase 1 development.

The site is located in close proximity to existing residential estate known as Maes Gwyn situated on south eastern side of Llanfair Caereinion, bounded to the north by existing agricultural land, Watergate Street to the south, existing residential dwellings to the east and settlement boundary. The proposed development will utilise the already approved vehicular access under the provisions of approved planning permission P/2017/0370.

Consent is sought in outline for the construction of up to 9 dwellings, including a provision of two affordable dwellings (7 open market + 2 affordable units). The indicative block plan submitted with the application details a mix of dwelling types ranging from 3 to 4 bedroom semi-detached and detached dwellings with garages.

### Consultee Response

#### Llanfair Caereinion CC

At the meeting of Llanfair Town Council on Wednesday 29<sup>th</sup> November 2017 the above planning application was unanimously NOT supported for the following reason:

1. Construction and subsequent access to the site would be severely impeded by current parking issues. Residential parking already narrows and congests the existing housing estate access roads. Increased traffic would give rise to serious safety issues in the area during and after construction.
2. There is an ongoing problem with inadequate sewage provision on the existing estate which is still unresolved. Adding to this issue is an unacceptable burden to place on the drainage system.
3. Concerns were raised regarding the infrastructure of the town which included the capability of the doctors surgery to cope with an increase in patients. The town's roads are already busy due to HGV traffic.
4. The plans failed to mention the impact of this development on the historically important war bunker sited close by.
5. The over development of this area would have a detrimental effect on the existing properties and the character of the area.
6. The members of the Town Council particularly objected to the way this development has been put through planning. They are aware that any application under 10 properties does not warrant a contribution to the benefit of the community from the developer. To submit two 9 house applications instead of one of 18 would appear to be a cynical and unwelcome manipulation of the system.
7. There were five local residents who came to the meeting and all were vehemently opposed to this second phase of another 9 houses. Llanfair Town Council wishes to represent the wishes of its community and therefore cannot support the application.

### Powys Highways

Wish the following recommendations/Observations be applied

The unclassified highway does not abut the application site and there is an approximate 23 metre distance between the end of the highway and the application site boundary. As such the new estate road will need to incorporate this length of private highway in order to ensure that adoptable standards are constructed for the entire estate road.

Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

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



HC8 Prior to the occupation of the dwellings, 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.

HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

HC12 The width of the access carriageway, constructed as Condition HC7 above, 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.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be 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.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC31 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.

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

In the interests of highway safety.

#### Wales and West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

#### Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

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

Powys Environmental Health

As the proposed dwellings will be connected to the mains foul drainage, I have no objection to the application.

Powys Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 0.58 hectares and includes up to 9 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?	No	<p>No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial imagery, the ecological observations submitted for P/2017/0370, the submitted plans and planning statement and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposal appears to be located in the north-eastern half of an improved agricultural field used for grazing, surrounded by similar fields and with residential development to the south and west. Phase 1 of the development is immediately adjacent to the south-west and has been dealt with previously by planning application reference: P/2017/0370. There does not appear to be any requirement for additional hedgerow or other habitat removal as part of this application and access would be obtained via the access route provided for P/2017/0370. The existing hedgerow and individual mature trees within it are indicated as being retained on the proposed block plan (ref: RPP/TWJOB16/2-03). New</p>

		hedgerow and tree planting is proposed within the new development. Foul drainage would connect to the existing main sewer.
<b>Protected Species &amp; Habitats<sup>1</sup></b>	European Species <input checked="" type="checkbox"/>	<p>Within 1km of the site there are historic records of White-clawed Freshwater Crayfish (within 445m), unknown bat species (within 448m), Otter (within 239m), myotis bat species, Noctule bat, Common Pipistrelle, a Long-eared bat species and Lesser Horseshoe bat (within 379m), Soprano Pipistrelle (within 276m) and Atlantic Salmon (within 869m).</p> <p>It would not appear that any of the species identified above, or any other EPS, would be affected by habitat loss due to the proposals, as it would appear that the existing hedgerows and remaining trees are to remain in situ.</p> <p>However, the boundary hedgerow and trees are likely to provide a high value ecological habitat for a range of wildlife, including bats (a European Protected Species) and should therefore be protected from damage during the works in accordance with BS5837:2012.</p> <p>I also recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the boundary hedgerows and mature trees for foraging/roosting.</p>
	UK Species <input checked="" type="checkbox"/>	<p>In addition to the species identified above, within 1km of the site there are historic records of Slow Worm (within 303m), Badger (within 379m) and various breeding bird species.</p> <p>The recommendations made above for European Protected Species also apply to nationally protected species.</p>
	Section 7 Species & Habitats <input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>In addition to the species identified above, within 1km of the site there are historic records of Hedgehog (within 341m), Hare (within 218m) and Polecat (within 448m).</p> <p>Hedgerows are a Section 7 priority habitat and those</p>

<sup>1</sup> Species records within 1km (minimum).

		<p>bordering the site should therefore be protected during the works in accordance with BS5837:2012. The proposed new hedgerow and tree planting within the site is welcomed as a site biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p>I also recommend that woodcrete bird and bat boxes for Section 7 and LBAP-listed species are incorporated within the proposals to enhance the habitat available at the site for these features.</p>
	LBAP Species & Habitats <input checked="" type="checkbox"/>	See previous observations regarding hedgerows, mature trees and wildlife that may use them.
<b>Protected Sites</b>	International Sites (within 1km) <input type="checkbox"/>	There are no international nature conservation sites within 1km.
	National Sites (within 1km) <input type="checkbox"/>	There are no national nature conservation sites within 1km.
	Local Sites (within 500m) <input type="checkbox"/>	There are no local nature conservation sites within 1km.
<b>Invasive Non-Native Species</b>	Unknown	No ecological information has been submitted with the application.
<b>Recommendations</b>		<p>The boundary hedgerow and trees are likely to provide a high value ecological habitat for a range of wildlife, including bats (a European Protected Species) and hedgerows are a Section 7 priority habitat; those bordering the site should therefore be protected from damage during the works in accordance with BS5837:2012.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the boundary hedgerows and mature trees for foraging/roosting.</p> <p>The proposed new hedgerow and tree planting within the site is welcomed as a site biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p>I also recommend that woodcrete bird and bat boxes are incorporated within the proposals to enhance the habitat</p>

	available at the site for these features.
<b>Further information required prior to determination of application</b>	I consider that sufficient information has been provided to determine the likely ecological impacts of the application.
<b>Recommended Conditions</b>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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.</p> <p><i>Prior to commencement of development, a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long term retention.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV2 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.</p> <p><i>No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the scheme details.</i></p> <p><u>Reason:</u> 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</p>

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

*Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

**Informatives:**

**Birds - Wildlife and Countryside Act 1981 (as amended)**

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

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

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

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

<b>Relevant UDP Policies</b>	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
------------------------------	---

### Affordable Housing Officer

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

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

### Powys Land Drainage

No response has been received to date. It is hoped that a consultation response will be received prior to the Committee meeting. The response for phase 1 is however as follows:

The LLFA would make the following comments/recommendation.

#### *Land Drainage / Flood Risk*

Comment: The Authority holds no historical flooding information relating to the site itself.

#### *Surface Water Drainage*

Observation: Reference to the management of surface water run-off is indicated under Item 13 – 'Assessment of Flood Risk' on the planning application form, where it states surface water is to be disposed to a sustainable drainage system. Further reference is made within the Planning Statement (Item 4.6) where it indicates surface water drainage will be dealt with by a SuDS or soakaway system. The Planning Statement makes further reference to surface water drainage (Item 9.2), where it states there are a number of options which could be implemented on site to ensure that surface water is dealt with adequately, and does not raise any flood risk on site or third party land.

No surface water drainage details/drawings have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design such as that recently

published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems” dated January 2016 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

The general soil type for the site location is described as being ‘slowly permeable seasonally wet acid loamy and clayey soils’. Soakage in this type of soil structure may be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site.

The use of sustainable drainage techniques and or soakaway is commended; however, it may be challenging to find a suitable SuDS solution, particularly due to the existing subsoil conditions in the locality. Off-site disposal of surface water run-off may be feasible either to the public surface water sewer or watercourse located in Watergate Street.

It is essential the proposed surface water drainage arrangement will not cause or create a flooding nuisance to any third party or any publicly maintained Highway.

Recommendation: Prior to commencement on site, an assessment shall be carried out into the potential for disposing of surface water by means of sustainable drainage systems (SuDS) in accordance with the principles set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment provided to the local planning authority. Where a SuDS scheme is to be provided, the submitted details shall:

1. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
2. Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
3. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the proposed surface water drainage system for the site is fully compliant with regulations and is of robust design.

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

#### CADW

The application area is some 945m south west of Scheduled Monument MG2013 Site 300m SW of Tan Llan. The monument consists of the remains of a defended enclosure, which probably dates to the Iron Age period, (c.800BC –AD74, the Roman Conquest of Wales). The site consists of a sub-circular, trivallate enclosure c.2000m in diameter with narrow spaced



outer ramparts. The innermost enclosure survives as an earthwork, although in a degraded state. The enclosure is set upon a gently sloping plateau above the Afon Banwy.

The proposed development will be on land which is currently in agricultural use. The application (which is outline) suggests that the proposed development will consist of none two storey dwellings.

The proposed development will be visible from scheduled monument MG203 across the Afon Banwy Valley but at this distance it will be seen as a very small extension to the existing settlement and therefore will not cause any damage to the setting of the scheduled monument.

## CPAT

Thank you for the consultation on this application. I write to confirm that there are no archaeological implications for the proposed development at this location.

## **Representations**

The application was advertised through the erection of a site notice and press advertisement. 8 public representations (objections) have been received in respect of the proposed development.

The objections received are summarised below;

- Detrimental impact on the visual amenity of the area,
- Deliberate site splitting for two separate applications,
- Large amount of housing application already approved in Town
- The development will change the character of the area,
- Loss of view and outlook,
- Devalue the properties in the area,
- The site is outside designated settlement boundary,
- Local services are at capacity,
- Sewage system is at capacity,
- Residents will be inconvenienced/disturbed during the construction,
- Concern over traffic impacts,
- No proven need for such a scale of development.
- Residential amenity impact.

## **Planning History**

P/2017/0370 Outline: Residential development of up to 9 dwellings, formation of vehicular access and associated works (some matters reserved). Approved by Planning Ctte.

## **Principal Planning Constraints**

Outside settlement boundary

## **Principal Planning Policies**

National Planning Policy

Planning Policy Wales (Edition 9, 2016)↯↯  
TAN 1 - Joint Housing Land Availability Studies (2015)  
TAN 2 - Planning and Affordable Housing (2006)  
TAN 5 - Nature Conservation and Planning (2009)  
TAN 6 - Planning for Sustainable Rural Communities (2010)  
TAN 12 - Design (2016)  
TAN 18 - Transport (2007)  
TAN 20 - Planning and the Welsh Language (2017)  
TAN 23 – Economic Development (2014)  
TAN 24 – The Historic Environment (2017)

### Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy  
UDP SP5 - Housing Developments  
UDP GP1 - Development Control  
UDP GP3 - Design and Energy Conservation  
UDP GP4 - Highway and Parking Requirements  
UDP GP5 – Welsh Language and Culture  
UDP HP3 - Housing Land Availability  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP6 - Dwellings in the Open Countryside  
UDP DC10 - Mains Sewage Treatment  
UDP DC11 - Non-mains Sewage Treatment  
UDP DC13 - Surface Water Drainage  
UDP DC8 - Public Water Supply  
UDP DC9 - Protection of Water Resources  
UDP ENV1 - Agricultural Land  
UDP ENV2 - Safeguarding the Landscape  
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats  
UDP ENV7 - Protected Species  
UDP ENV17 – Ancient Monuments and Archaeological Sites  
UDP TR2 – Tourist Attractions

Powys Residential Design Guide

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**

#### 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.

## Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan.

## Housing land supply

The latest Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

## Sustainable location

Llanfair Caereinion being defined as an Area Centre within the UDP benefits from a number of services such as convenience stores, Doctor's surgery, butchers, public houses, leisure centre and primary and secondary school. The site will be linked to the existing residential estate by Phase 1 approved development as demonstrated by the proposed plan allowing pedestrians to walk to the settlement safely if they wish. Llanfair Caereinion also benefits from public transport which provides access to other larger settlements such as Welshpool which is located approximately 8.5 miles to the east.

Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

## Affordable Housing

Latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in this area would be viable. In support of the application the developer has proposed (2 units) 20% affordable housing which would be conditioned as part of any consent.

## Siting, Design and External Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site gently slopes downwards in the northwest direction. As part of the development would be on a slope, Officers consider that through sensitive design and landscaping that the development would not have a detrimental impact on the surrounding landscape.

The indicative site layout details a cul-de-sac with development on either side of the access, consistent with the surrounding built form and development within the wider settlement and adjacent residential estate.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 9 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

It is acknowledged that the Phase 2 site is on the brow of the hill and that it will be more prominent than Phase 1 site however, on balance the proposed site is considered to be well connected to existing cluster of dwellings being adjacent to approved Phase 1 development. Therefore, it is considered that the siting of the proposed dwellings could be acceptable in the proposed location. It is also considered that the proposed site could be integrated within the existing settlement and would not have a significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policies ENV2 and TR2 of the Powys Unitary Development Plan 2010.

### Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

A layout demonstrates that the application site is capable of accommodating the proposed dwellings together with associated highway and amenity provision whilst safeguarding the amenities enjoyed by occupants of neighbouring properties.

The site is bounded by agricultural fields to all elevations as Phase 1 development (which will be on south west elevation has not been commenced yet). The nearest existing dwellings to the Phase 2 site would be approximately 50 metres to the south west with intervening Phase 1 development. Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected. The height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining proposed development at Phase 1 at a height of 2 metres. Whilst this distance is indicative and less than 40 metres in relation to the proposed plots at Phase 1 and Phase 2 scheme, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stages.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

### Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The site is to be accessed from the Maes Gwyn residential estate road leading through Phase 1 development. Powys Highway Authority have confirmed that there are no objections to the scheme and have not raised any highway safety issues in this respect. Public representations are acknowledged in respect of the anticipate increase in vehicular movements to/from the proposed development however it is important to note that Powys Highway Department have not raised any concerns in this respect, however they have requested inclusion of number of highway safeguarding conditions.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

### Impact on biodiversity and suitability of landscaping

The proposed development would result in the loss of an area of approximately 0.57ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by County Ecologist with respect to the ecology of the site.

The County Ecologist notes that the proposal appears to be located in the north-eastern half of an improved agricultural field used for grazing, surrounded by similar fields and with residential development to the south and west. Phase 1 of the development is immediately adjacent to the south-west and has been dealt with previously by planning application reference: P/2017/0370. There does not appear to be any requirement for additional hedgerow or other habitat removal as part of this application and access would be obtained via the access route provided for P/2017/0370. The existing hedgerow and individual mature trees within it are indicated as being retained on the proposed block plan and the new hedgerow and tree planting is proposed within the new development.

It is considered that through the introduction of appropriate planting, landscape impacts would be minimised and biodiversity enhanced. The County Ecologist has recommended a number of safeguarding conditions to be attached if the application is approved. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

Having taken the above into account it considered that, subject to conditions, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy.

#### Foul water disposal

Policy DC10 (Mains Sewerage Treatment) requires that development are adequately served by the public foul sewerage system.

The application states that the proposed development would utilise the existing mains sewerage system. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewerage and sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Therefore it is considered that the proposed development is in accordance with UDP Policy DC10.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

#### Surface water drainage

UDP Policy DC13 requires developments to be served by adequate surface water drainage provision. Although the Land Drainage Officer did not comment formally on this scheme (comments are still be sought) it is considered that his comments relating to Phase 1 development are applicable in this case as well. The Officers noted that the Authority holds no historical flooding information relating to the site itself.

The Officers noted that reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it stated surface water is to be disposed to a sustainable drainage system. Further reference was made within the Planning Statement (Item 4.6) where it indicates surface water drainage will be dealt with by a SuDS or soakaway system. The Planning Statement makes further reference to surface water drainage (Item 9.2), where it states there are a number of options which could be implemented on site to ensure that surface water is dealt with adequately, and does not raise any flood risk on site or third party land.

The Land Drainage Officer noted that the site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design such as that recently published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales. It is further noted that the general soil type for the site location is described as being ‘slowly permeable seasonally wet acid loamy and clayey soils’.

Soakage in this type of soil structure may be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site.

The officers note that use of sustainable drainage techniques and or soakaway is commended, however, it may be challenging to find a suitable SuDS solution, particularly due to the existing subsoil conditions in the locality. Off-site disposal of surface water run-off may be feasible either to the public surface water sewer or watercourse located in Watergate Street.

Public comments are fully acknowledged in respect of land drainage at the site; however Development Management is satisfied that the surface water disposal system can be accommodated at the site subject to suggested conditions. Therefore it is considered that the proposed development is in accordance with UDP Policy DC13.

#### Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is not designated within grades 1, 2 and 3a. Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 3b (Moderate quality agricultural land) and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

#### Impact on Heritage Assets

In respect of heritage assets in the area, CADW notes that the proposed application area is some 945m south west of Scheduled Monument MG2013 Site 300m SW of Tan Llan. The monument consists of the remains of a defended enclosure, which probably dates to the Iron Age period, (c.800BC –AD74, the Roman Conquest of Wales). The site consists of a sub-circular, trivallate enclosure c.2000m in diameter with narrow spaced outer ramparts. The innermost enclosure survives as an earthwork, although in a degraded state. The enclosure is set upon a gently sloping plateau above the Afon Banwy.

The proposed development will be on land which is currently in agricultural use. The application (which is outline) suggests that the proposed development will consist of none two storey dwellings. CADW notes that the proposed development will be visible from scheduled monument MG203 across the Afon Banwy Valley but at this distance it will be seen as a very small extension to the existing settlement and therefore will not cause any damage to the setting of the scheduled monument.

CPAT also confirms there are no archaeological implications for the proposed development at this location.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy ENV17 of the Powys UDP and TAN 24 (The Historic Environment 2017).

#### Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Government's commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

With regards to the Development Management function, TAN 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

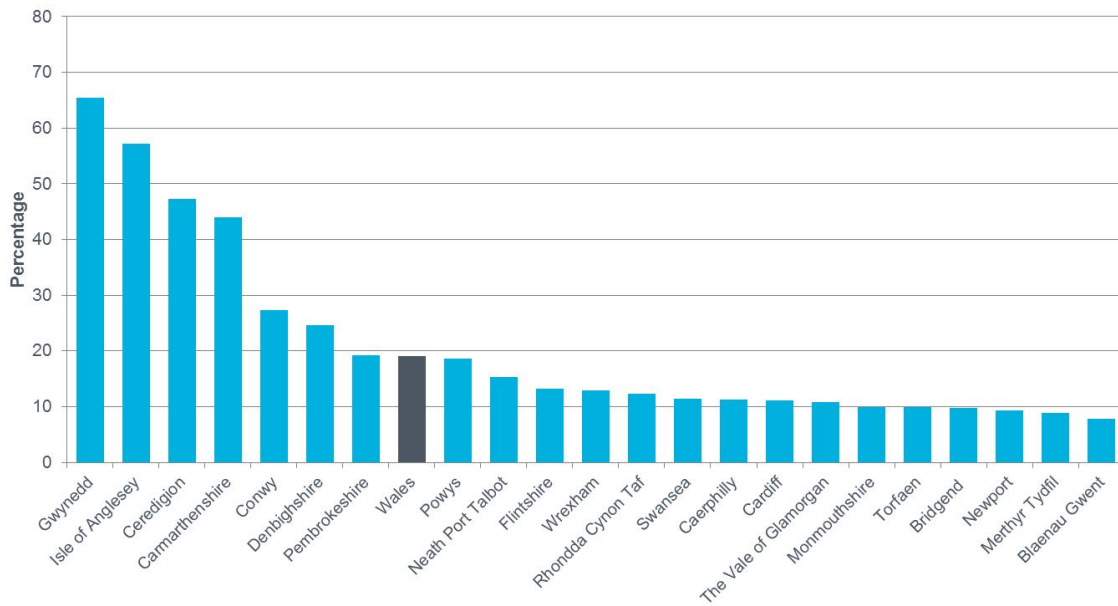
Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanfair Caereinion has been identified as one of the settlements under policy GP5.

## Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;



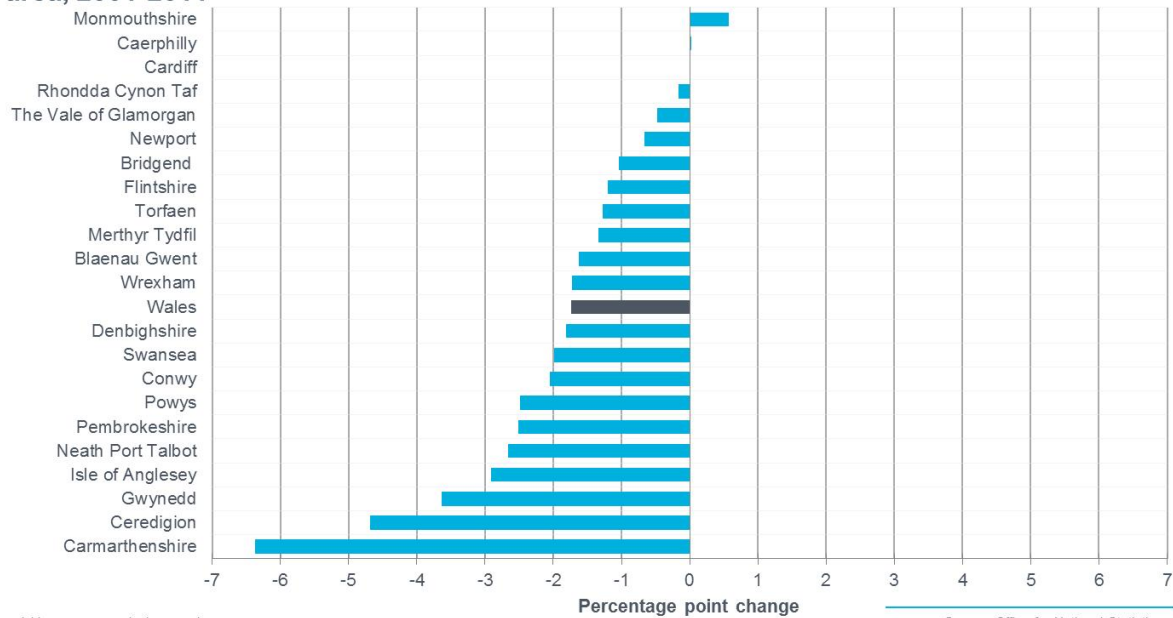
**Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area**



welshlanguagecommissioner.wales

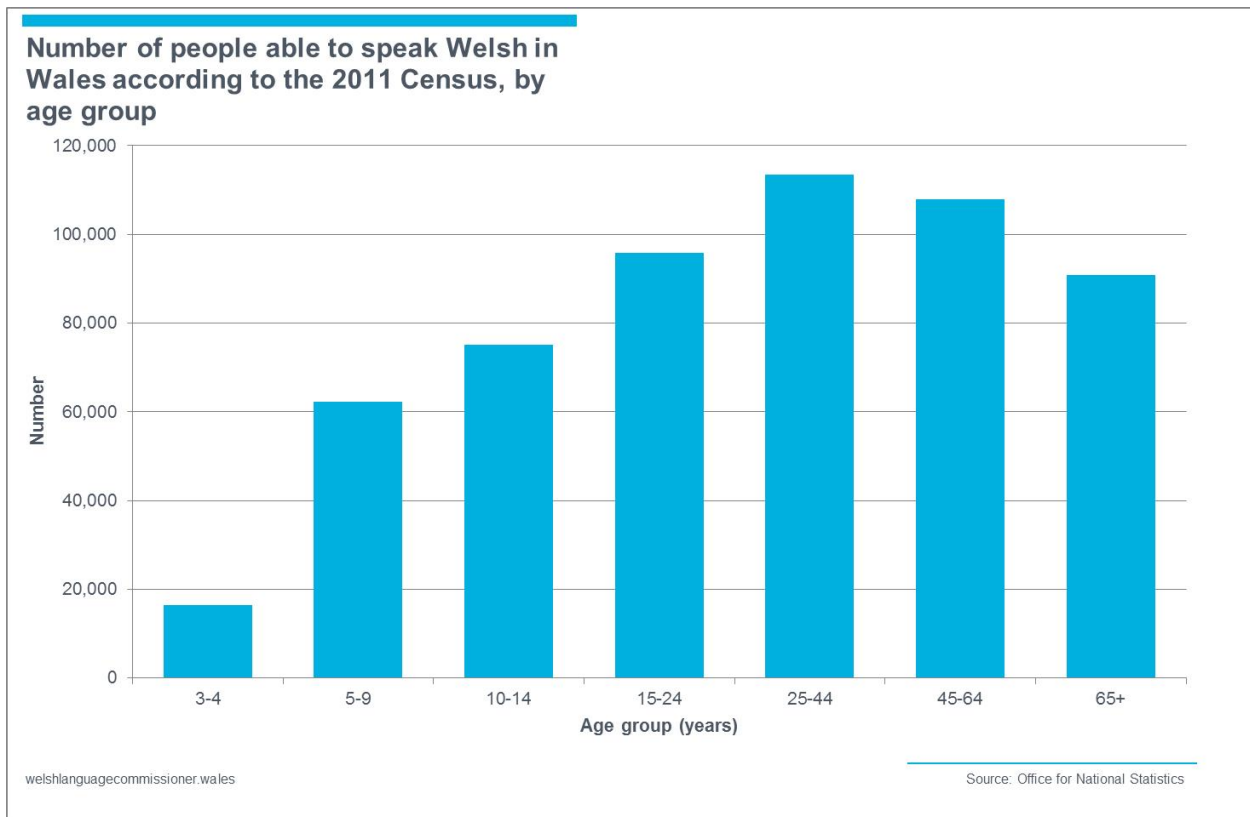
Source: Office for National Statistics

**Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011**



welshlanguagecommissioner.wales

Source: Office for National Statistics



#### 2001 Census

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,563	122	79	24	499	55	784

#### 2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
1,757	910	148	632	74	40	512	73

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	36	39	632	613
3-15	62.3	56.5	198	183
16-64	29.5	31.9	326	313
65+	32.2	43.8	108	117

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64 age category. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

*“We accept that Llanfair is an identified settlement under Policy GP 5 and as such we have taken the importance of the Welsh Language and Culture into account through the provision of a housing mix, through the sustainable location and obviously through the provision of affordable homes”.*

The scheme brings forward an appropriate number of affordable units as suggested under Policy GP 5. The proposed scheme will provide a proportion of affordable housing. It is stipulated as a guideline within the adopted UDP to be between 30-35%. However, it is noted that the scale of affordable housing to be provided will be a matter of negotiation for each individual site.

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. It is envisaged that the number of affordable dwellings within the scheme to be approximately 2 units, with a maximum footprint of 130m<sup>2</sup> therefore ensuring affordability. The affordable dwelling will be integrated throughout the site.

It is considered that the introduction of nine dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence, this aids in retaining those residents and helps to mitigate against the impact of a development on the Welsh language.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanfair Caereinion and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

## **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**

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 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 subject to conditions as specified below;

## Conditions

1. Details of the 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 unclassified highway (drawing no: RPP/TW-JOB16/2-03).
5. 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 20% affordable dwellings;
  - 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.
6. 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.
7. The development hereby permitted shall not commence until an assessment is carried out into the potential for disposing of surface water by means of sustainable drainage systems (SuDS) in accordance with the principles set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment provided to the local planning authority. Where a SuDS scheme is to be provided, the submitted details shall:

- a. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
  - b. Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
  - c. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.
8. No development shall commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.
9. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
11. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
12. Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.
13. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
14. Prior to the occupation of the dwellings, 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.
15. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

16. The width of the access carriageway, constructed as per above conditions, 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.

17. No building shall be occupied before the estate road carriageway and one footway shall be 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.

18. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

19. 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.

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

21. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

22. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long-term retention

23. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

24. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

#### 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 order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
9. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
10. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
11. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
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 interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
21. 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.

22. To comply with Powys County Council's UDP Policies SP3 and ENV2 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.

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

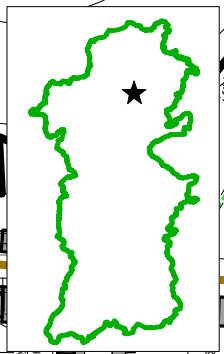
24. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

---

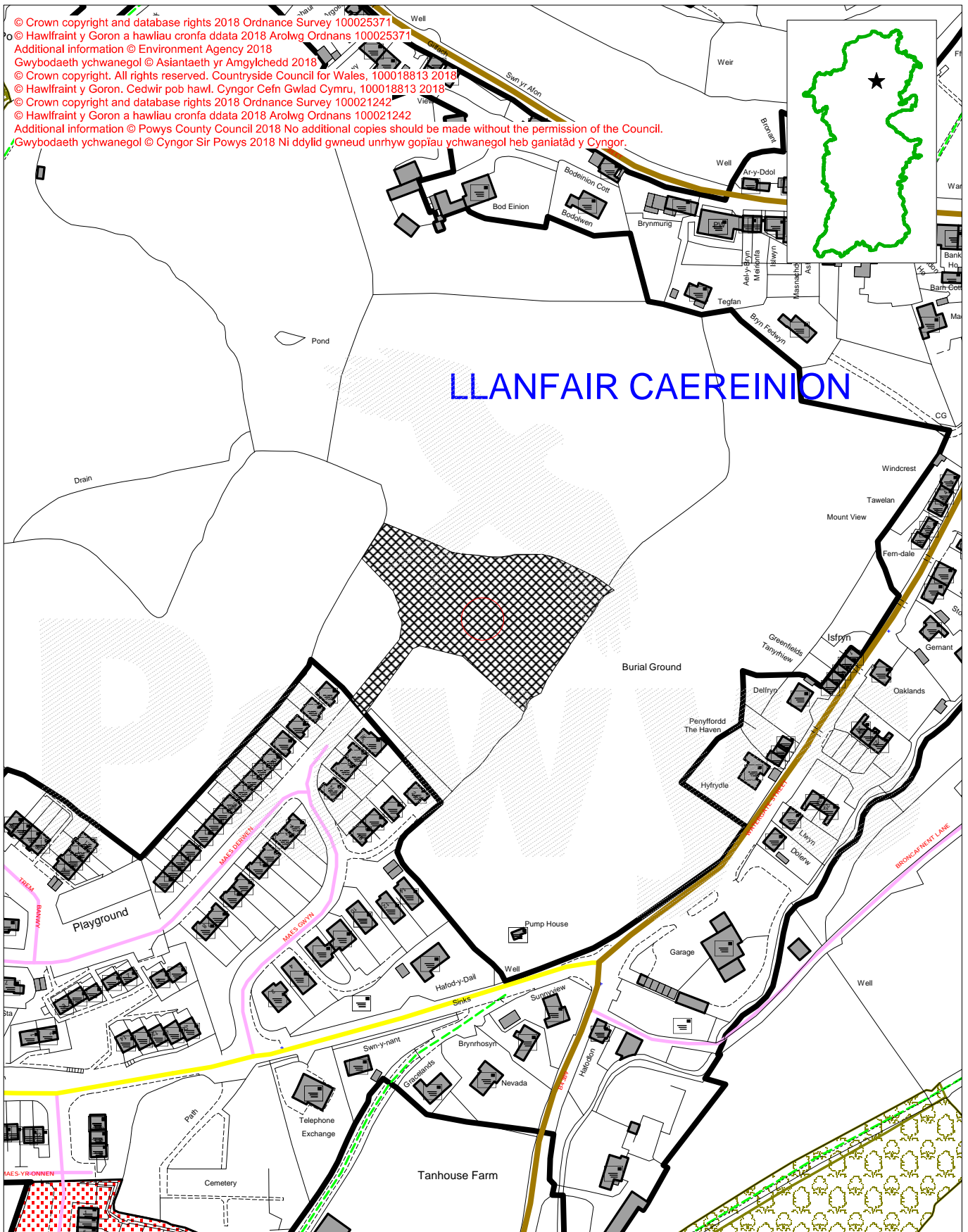
Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer  
Tel: 01938 551231 E-mail:edin@powys.gov.uk

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



# LLANFAIR CAEREINIION



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

# 4.5

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

<b>Application No:</b>	P/2017/1293	<b>Grid Ref:</b>	300381.26 311445.43
<b>Community Council:</b>	Banwy	<b>Valid Date:</b>	<b>Officer:</b> 06/11/2017 Eddie Hrustanovic
<b>Applicant:</b>	Joy Williams, Cyffiau, Trefeglwys, Caersws, Powys, SY17 5RF		
<b>Location:</b>	Land adjacent to Llangadfan Cemetery, Llangadfan, Powys		
<b>Proposal:</b>	Outline application (with some matters reserved) for erection of 5 dwellings with detached garages, formation of vehicular access and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

Cllr. Myfanwy Alexander has called-in this application for determination as the application site is located outside of the development boundary.

### Site Location and Description

The application has been made in outline with some matters reserved and seeks consent for the construction of 5 dwellings (4 open market + 1 affordable unit), formation of vehicular access and all associated works at land adjacent to Llangadfan Cemetery, Llangadfan.

The site is located north west of Llangadfan, east of Foel and it is adjacent to A458 Trunk Road approximately 150 metres to the nearest point from the designated settlement boundary at cantered around Ysgol Dyffryn Banw. It is important to note that Llangadfan is dispersed in its nature as indicated within Powys UDP (insert map M158), which consist of 3 distinct clusters, first grouped around Cann Office Hotel, second cluster on the south bank of the River Banwy and third cluster around the primary school. As noted above the application site is approximately 150m away from the 3<sup>rd</sup> cluster.

The site is currently in agricultural use with existing access and to the north the site is bounded by the A458 Trunk Road, existing cemetery to the west, agricultural fields to the east and south.

The indicative layout shows 5 detached dwellings with garages and private parking areas.

### Consultee Response

#### Banwy CC

Following a recent Council meeting, the Community Council have considered this application and have decided to object on the following main grounds.

- 1) Location - The site is not only outside the UDP planning zone for this part of Llangadfan but is well away from the existing housing area. It would be an isolated site on the opposite side of the A458(T) with no connecting footpath to existing residential development or to the primary school. It would necessitate a new access point onto the A458(T) at a point which is currently not subject to a speed limit. Regular access would almost always need to be by car and would involve crossing the westbound carriageway because the majority of everyday facilities (school, shop, pub, doctor, filling station etc.) are located to the east.
- 2) Need - The proposal is speculative. There are a number of existing dwellings available on the market. The Council has no evidence of need for new open market or affordable housing in such a location.
- 3) Access - Although no response has yet been seen from the Trunk Road Agency, the Council is not in favour of a new access onto the A458(T) at this point. The road is unrestricted at the present time, and there are visibility issues in respect of eastbound traffic both in respect of distance and varying road levels to the west of the proposed entrance. These visibility issues have already been flagged in respect of agricultural vehicles looking to turn right towards Foel out of the U2075 roughly opposite the proposed new access.

#### Wales & West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

#### STW

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

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

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

#### Environmental Health

I have no objection to the application.

### PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1293 which concerns the outline application (with some matters reserved) for erection of 5 dwellings with detached garages, formation of vehicular access and all associated works on land adjacent to Llangadfan Cemetery, Llangadfan.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 18 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows and trees on the boundary of the development is considered to be of moderate ecological value.

### Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appear that sections of the hedgerow will be removed to provide the proposed new access. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that: 'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Given the proximity of development and development works to the hedgerow and trees on the boundary of the proposed development site, it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will

be protected during the construction period of works. It is recommended that a Tree and hedgerow Plan is secured through an appropriately worded condition.

#### Pollution Prevention Plan

I note from reviewing aerial images that Afon Banwy is approximately 20 south of the proposed development. Given the proximity of proposed development to the watercourse present and the nature of the proposed works it is considered that a Pollution Prevention Plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition.

It is recommended that reference is made to Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

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

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

#### Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

#### Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e.



details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3 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.

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 unless otherwise agreed in writing with the LPA.

Reason: 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.

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.

Reason: 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.

In addition I recommend inclusion of the following informative:

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.

## NRW

Thank you for consulting Natural Resources Wales (letter dated 14/11/2017) regarding the above. NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to the use of appropriate conditions.

Summary of Conditions

Condition 1 – biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

#### *Biosecurity*

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 1 – biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site if present; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

#### *Protected Species*

NRW has not considered European Protected Species(EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS. Please be aware that NRW holds records of at least two otter holts on the banks of the River Banwy in proximity of the proposal. Please be aware that NRW holds records of at least two otter holts on the banks of the River Banwy in proximity of the proposal.

#### *Flood Risk*

The application site abuts Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site abuts the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Banwy, designated as an ordinary watercourse.

Whilst we have no, in principle objection, in flood risk terms, we advise that the Planning Authority consults with the Lead Local Flood Authority, namely Powys CC drainage team, to verify that the fluvial flood risk depicted in the DAM C2 (which is derived from JFLOW in Powys model, version 3) is verified by any known historic flood extents.

Interrogation of jflow depths and lidar ground levels indicate that there is freeboard between calculated jflow extents and ground levels where the houses are proposed.

Please be aware of the limitations of the generalised JFLOW approach. These outputs cannot be used to support detailed analysis but in the absence of a hydraulic model for this reach of the River Banwy and recognising that the site is outside DAM C2, any additional interrogation is considered disproportionate, subject to the following recommendations.

Best practice is advised with regards to setting of finished floor levels, a minimum of 300mm above existing adjacent ground levels will provide added security against flooding from all sources in excess of the design events.

Please be aware of the following in respect of NRW's involvement with Surface Water advice.

The Welsh Government letter of 9 January 2014 to Chief Planning Officers confirms that the Local Planning Authority should “consult internally with colleagues fulfilling the role of Lead Local Flood Authority (LLFA) to determine whether surface water flood risk is an issue when considering allocations in local development plans or determining individual planning applications.

In line with this letter and Section 8 of TAN15, where relevant, the LLFA, Highways Authority and/or Sewerage Undertaker should be consulted on the suitability of drainage proposals to ensure that development does not increase the risk of flooding elsewhere by loss of flood storage or flood flow route, or increase the problem of surface water run off (paragraph 13.2 Planning Policy Wales).

Unless the development is situated within an Internal Drainage District (IDD), NRW will not advise developers and local authorities on;

- Surface water drainage from the site (discharging into a main river or an ordinary watercourse). For new outfall structures to main rivers a Flood Risk Activity Permit (FRAP) may be required from NRW.
- Pluvial flood risk where no watercourse is involved e.g. run off from the land, artificial drainage systems and ponding.

#### *Foul Drainage*

We note connection to the main sewer is proposed for this development in accordance with government policy.

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

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

#### *Pollution Prevention*

All works at the site must be carried out in accordance with GPP5 and PPG6 ‘Works in, near or over watercourses’ and ‘Working at construction and demolition sites’ which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

#### *Scope of NRW Comments*

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other

matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### Welsh Government Transport

I refer to your consultation of 14<sup>th</sup> November 2017 regarding the above application, and advise that the Welsh Government as highway authority for the A458 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-
  - a) Full length Visibility Splays in either direction from a suitable set-back.
  - b) Gradient of the access road and the A458 trunk road carriageway
  - c) Access width and radii dimensions
  - d) Access surfacing type along with depth and width dimensions
  - e) Parking areas
  - f) If a gate is to be installed on the access

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB). The following points should be brought to the attention of the applicant:

- a) From a highway and standards perspective the access should be 10m x 6m to allow two-way movement through the access.
- b) Proposed accesses are required to be staggered from existing accesses by 50m in accordance with clause 7.64 of TD42/95 of the DMRB - if a proposed access falls within this distance a Departure from Standard will be required.

### **Representations**

Following display of a site notice and advertisement in the local press 13 written representations have been received from the local residents. 8 letters of support, 4 objections and 1 letter expressing general comments.

The letters of objection can be summarised as follows:

- No need and demand for further development,
- Site is outside designated settlement boundary thus not complying with UDP,
- Speculative development,

While supporting letters indicate that there is demand for more housing in the area which will retain local people in the area and that the scheme should be approved.

## **Planning History**

None

## **Principal Planning Constraints**

Edge of Flood Zone  
Open countryside

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (Edition 9, 2016)  
TAN 1 - Joint Housing Land Availability Studies (2015)  
TAN 2 - Planning and Affordable Housing (2006)  
TAN 5 - Nature Conservation and Planning (2009)  
TAN 6 - Planning for Sustainable Rural Communities (2010)  
TAN 12 - Design (2016)  
TAN 15 - Development and Flood Risk (2004)  
TAN 18 - Transport (2007)  
TAN 20 - Planning and the Welsh Language (2017)  
TAN 23 – Economic Development (2014)  
TAN 24 – The Historic Environment (2017)

### Local Planning Policies

Powys Unitary Development Plan (2010)  
UDP SP2 - Strategic Settlement Hierarchy  
UDP SP5 - Housing Developments  
UDP GP1 - Development Control  
UDP GP3 - Design and Energy Conservation  
UDP GP4 - Highway and Parking Requirements  
UDP GP5 - Welsh Language and Culture  
UDP HP3 - Housing Land Availability  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP6 - Dwellings in the Open Countryside  
UDP DC10 - Mains Sewage Treatment  
UDP DC11 - Non-mains Sewage Treatment  
UDP DC13 - Surface Water Drainage  
UDP DC8 - Public Water Supply  
UDP DC9 - Protection of Water Resources  
UDP ENV1 - Agricultural Land  
UDP ENV2 - Safeguarding the Landscape  
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats  
UDP ENV7 - Protected Species  
UDP ENV17 - Ancient Monuments and Archaeological Sites  
UDP TR2 - Tourist Attractions  
UDP SP14 - Development in Flood Risk Areas  
Powys Residential Design Guide

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**

### 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.

### Principle of Development

National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint. PPW states that new house building away from established settlements should be strictly controlled. It goes on to advise that isolated new houses in the open countryside require special justification. The Council's current planning policy, Powys Unitary Development Plan 2010 (UDP), states that outside settlement development boundaries, proposals for new residential development are only approved in exceptional circumstances, where they comply with UDP Policies HP6 (Dwellings in the Open Countryside), HP8 (Affordable Housing adjoining Settlements with Development Boundaries) or HP9 (Affordable Housing in Rural Settlements).

As the location of the site is outside the nearby settlement boundary clustered around the Primary School (approximately 150 metres away from settlement boundary as indicated on the Powys UDP Insert Map M158 and not located within designated nearby Rural Settlement of Rhandir), the proposal is hereby considered against policy HP6 (Dwellings in the Open Countryside), and Planning Policy Wales Technical Advice Note 6 (TAN6): Planning for Sustainable Rural Communities.

One of the few circumstances in which isolated residential development in the open countryside may be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of the individuals involved.

However, it is important to note that the submission clearly states that the proposal is for open market dwellings not in connection with any rural enterprise, and as such it cannot comply with any above specified policies and therefore it is considered as a departure from the UDP.

### Sitting

The site is located on the northwestern side of the main cluster of dwellings which forms the village of Llanerfyl, approximately 1km away, and approximately 150 metres west from a 3<sup>rd</sup> cluster of dwellings around Ysgol Dyffryn Banw. The site measures 0.5ha and encompasses undeveloped agricultural land. Currently the land has an established hedgerow along A458 Trunk Road, cemetery to the west, and agricultural land to the south and east. Majority of the site is relatively flat in nature, with existing access onto the Trunk Road.

However, due to the appreciable intervening distance to the nearest edge of the cluster of dwellings around Ysgol Dyffryn Banw the application site is clearly located in the open countryside. The current site is not located within any designated Rural Settlement, and is therefore considered to be located wholly within the open countryside.

It is considered that the site is not within the confinements of the settlement as it is sited on its own and surrounded by open land on two sides and the cemetery and Trunk Road on the remaining sides, it clearly appears detached from other development. In this respect the site is therefore located in open countryside and would be contrary to local and national planning policies that seek to restrict development in the open countryside.

Whilst there are isolated dwellings and farmsteads in the vicinity of the application site, the current site is not considered to be located nor integrated within the designated settlement boundary and as such it is considered that the proposal does not accord with the provisions of Planning policy Wales (9<sup>th</sup> edition 2016), TAN6 or UDP Policies HP4, HP6, HP8, HP9, GP1, and ENV2.

### Housing Land Supply

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

### Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore, PPW states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided. In line with PPW, residential development outside of settlement boundaries are considered in terms of the site's proximity to services and facilities likely to be required for residential use, and whether the site is suitably connected to these services and facilities.



In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site is approximately 1km away from centre of Llangadfan (defined as a Small Village within the UDP). Llangadfan is served by a church, primary school, community centre, football pitch, public house, garage, local shop and café. It is also served by a bus route.

It is considered that the site is not located in a position which would give priority to pedestrians and cycle movements. This is by virtue of the condition of the adjacent highway network being without footway provision to the village. Future occupiers would therefore be heavily reliant on the private motor vehicle as a means of accessing services and facilities.

As such, Officers find that the contribution of the proposal to the supply of housing within the area is not a compelling reason to allow the development and does not outweigh the harm of new dwellings in the countryside. The proposed development is not well related to the existing settlement, thus leading to unacceptable impact on social and environmental infrastructure. Therefore the Officers consider that the proposal would be contrary to the principles of sustainable development which seeks to create cohesive communities that form the basis of the Welsh Government's planning policy and Wellbeing of Future Generations (Wales) Act 2015.

#### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in outline with some matters reserved to be considered during the submission of the reserved matters. Whilst access, scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and it is stated that the 5 single dwellings are proposed in this instance.

Officers consider that the site could accommodate 5 dwellings without having a detrimental impact on neighbour amenity; however this would be seen as isolated development located in the open countryside.

#### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Landscaping is a reserved matter and therefore detailed proposals could be considered at a later date. It is acknowledged that the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use.

Despite the location being approximately 150 metres away from the designated Settlement Boundary and the presence of other development within the immediate vicinity of the application site, there is not a clear pattern of development in this particular location. It is therefore considered that, when combined with the openness of the site and its topography, it forms part of a rural landscape with a setting of open fields interspersed with mature trees and native hedgerows with adjacent cemetery to the side.

The proposal would result in an intensification of built form in an area where such openness contributes positively to the locally distinctive settlement pattern. It would introduce 5 relatively large dwellings and associated off-street parking that, by virtue of their scale, form and siting, would result in the introduction of a prominent development that would appear unduly dominant and incongruous within this rural context. Taking into account the location and topography of the application site it is considered that landscaping measures could not reduce the visual impact of the proposal. It is also considered that the proposed development would be seen in isolation which would further harm the landscape at this location.

For these reasons, it is considered that the proposal would have a significant adverse impact on the open landscape character of the area and its intrinsic rural character. Accordingly, the proposal would fail to protect the countryside, causing significant harm to the character and appearance of the area. This would conflict with the provisions of policy ENV2 of the Powys Unitary Development Plan 2010.

### Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwellings will be located approximately 90 metres from the nearest neighbouring residential dwelling to the west with the existing cemetery between. Due to the suggested distances and positioning of the properties it is not considered that the proposed development would affect the amenities of the neighbouring dwelling.

### Highways and Access

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off A458 Trunk Road.

In this instance Welsh Government as highway authority for the A458 trunk road confirms that insufficient information has been provided to determine the application. As such the Officers are unable to ascertain can a safe means of access be created at this location due to the lack of information provided by the applicant.

Therefore, Development Management considers that insufficient information has been provided in this instance which could demonstrate that the proposal could make adequate provision for highway access, parking and turning in accordance with UDP Policy GP4 and TAN 18 (2007).

### Foul sewage disposal

The submission indicates that foul sewage would be disposed of to the mains sewer. This is the preferred method of foul sewage disposal as set out within UDP Policy DC10 and Welsh Office Circular 11/99.

Severn Trent and Environmental Health Officer have confirmed that they do not have objections to the proposed development. On the basis that the proposal would connect to the mains sewer, it is considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with UDP Policy DC10.

### Surface water disposal

UDP Policy DC13 requires proposals to make adequate provision for land drainage and surface water disposal. The submission states that surface water would be disposed of via soakaways into the existing watercourse but no further details have been provided at this stage.

### Ecology

The County Ecologist confirms that the site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows and trees on the boundary of the development are considered to be of moderate ecological value.

Subject to the use of conditions as suggested by the County Ecologist, it is considered that the proposal could comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

### Agricultural Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 3b (Moderate quality agricultural land) and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

### Development and flood risk

NRW notes that the application extreme edge abuts Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

However, no part of the development site is within designated flood zone and the same has been recognised by NRW and no objections have been raised in this respect.

### 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst it is not identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Banwy Ward reported that 55.6% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 61.3% of the population of Banwy spoke Welsh. The development of five dwellings at this location would not be considered to have a detrimental impact on the cultural or linguistic vitality of the area.

### **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 the Officers attach considerable weight to the need to increase the supply of housing, the contribution of five dwellings to the Housing Land Supply would be significantly modest. Taking everything into account, Development Management considers that the adverse impacts of granting planning permission would outweigh the benefits.

The proposed development would have an adverse impact on the character and appearance of the area, by virtue of its isolated position. The recommendation is therefore one of refusal.

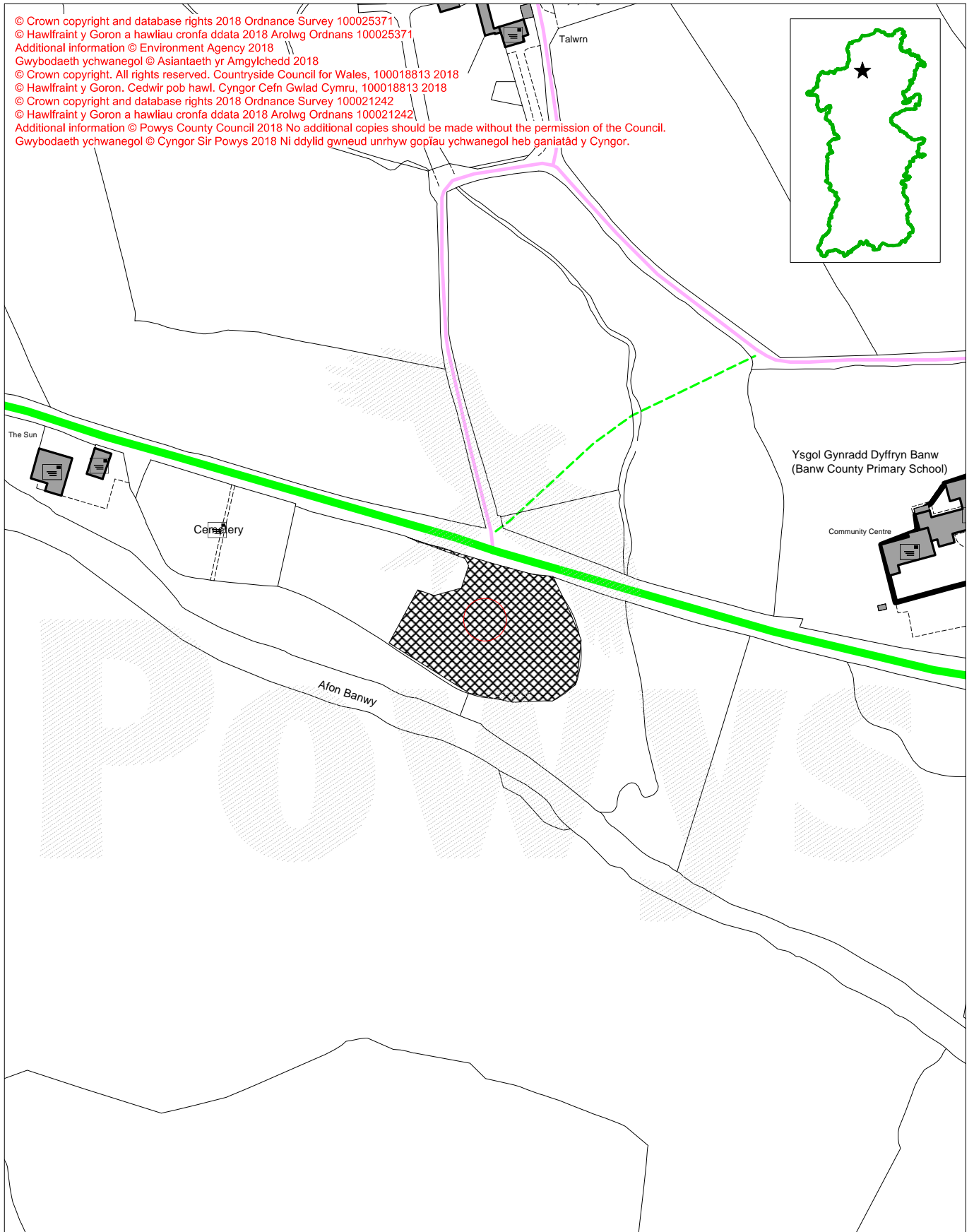
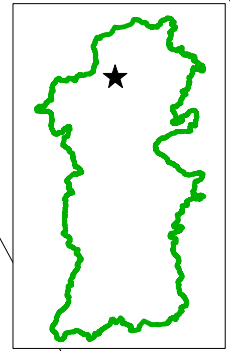
#### Refusal Reason

1. The proposed development is located within an area of open countryside as defined by the Powys Unitary Development Plan (2010). The proposed development is considered to be unjustified development in the open countryside which would be harmful to the character and appearance of the area. The proposed development is therefore contrary to the provisions of Policies HP4, HP6, HP8, HP9, GP1, and ENV2 of Powys Unitary Development Plan (2010), Technical Advice Note 6: Planning for Sustainable Rural Communities (2010), Technical Advice Note 12: Design (2016), and Planning Policy Wales (9<sup>th</sup> Edition, November 2016).

2. Insufficient information has been submitted to assess that a safe means off access could be achieved at this location. The proposed development is therefore contrary to policies GP4 of the Powys Unitary Development Plan (2010), Technical Advice Note (TAN) 18: Transport (2004) and Planning Policy Wales (9<sup>th</sup> edition, 2016).



© Crown copyright and database rights 2018 Ordnance Survey 100025371  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
Additional information © Environment Agency 2018  
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
© Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
© Crown copyright and database rights 2018 Ordnance Survey 100021242  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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





## Llanerfyl Community Council-

Following a meeting on 9<sup>th</sup> January 2017 Llanerfyl Community Council voted in favour of this application by a majority.

We are pleased that the applicant has adhered to providing a more suitable application for the need of the village being 2/3 bed homes for our young adults and families but wish to address the following:

There are still major concerns on the access route for the development. During peak times this area is heavily congested with cars, children, parents meeting school buses etc. Our previous suggestion for each property to adjoin the main road separately would be much more favourable in terms of the safety of the area– also it would defer the traffic away from the entrance to the Hall car park where it is already hazardous. At the time when the school bus departs and arrives each day there are extreme safety issues in this area.

We also believe this option is more attractive to purchasers of the properties. Having a totally secure private access where neighbouring cars are not driving past whilst children, dogs etc are running freely in their own gardens is a more attractive purchase.

Then, in addition to the above issues, if the development were to be unsuccessful there would not be an unsightly access road in a half built development in the style of which we have all seen in the county. With its own access directly onto the road each property could be developed without losing any aesthetics of the village.

## Powys Highways

Highways initially recommended a series of conditions to be placed on any approval but, following the request from the applicant to retain access as a reserved matter, have offered the following response:

Whilst the Highway Authority do not object to the principle of development, any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for both the proposed residential and agricultural access. Furthermore, detailed engineering drawings for a footway along the Class III C2031 and associated works, should also be submitted.

## Powys Building Control

Building Regulations Approval will be required.

## Wales & West Utilities

According to our mains records we have no apparatus in the area. However Gas Pipes owned by other GT's and also privately owned may be present. Information with regard to such pipes should be obtained from the owners.

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

## Powys Environmental Health

Environmental Protection has no objection to the proposal to connect to the mains sewer provided that there is sufficient capacity for the additional waste in the STW foul mains system.

### Construction-phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

*“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.”*

## Severn Trent

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposal and do not require a drainage condition to be applied.

## Powys Ecologist

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 106 records of protected and priority species within 500m of the proposed development. No records were for the site itself.

No statutory or non-statutory designated sites are present within 500m of the proposed development.

The site of the proposed development comprises an area of improved grassland a habitat of low ecological value. The northern and western boundaries of the proposed development site comprise areas of hedgerows habitats of high ecological value.

Having reviewed the records of protected and priority species present within 500m of the proposed development it is considered that the site lacks suitable habitat to support protected species identified in the local area, therefore it is considered unlikely that the proposed development would result in negative impacts to protected species.

The submitted plans and associated information identify that a new access is proposed for the site off Talerddig Road. In order to achieve the access and associated visibility splays it

has been identified that it is proposed to remove a section of the hedgerow at the front of the site, in addition it is noted that a section of hedgerow that bisects the site will be removed to accommodate the proposed development.

Hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that

*'Proposals which are acceptable in principal should:*

*3. Seek to conserve native woodlands, trees and hedgerows'*

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, it is noted that the submitted plans indicate that a new hedgerow will be planted along the southern and eastern boundary of the proposed development site – the provision of new hedgerow planting to replace the sections of hedgerow that will be removed is welcomed, the length of new hedgerow planting exceeds that which would be lost as a result of the proposed development – the additional hedgerow planting is considered to provide additional benefits for biodiversity i.e. biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. Details of the replacement hedgerow planting should be secured as part of a Landscaping Scheme condition.

Whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matters it is noted that the proposed plans indicate the provision of landscaping including what appears to be some hedgerow, shrub and tree planting as part of the proposed development. The provision of landscaping is welcomed, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition. It is also recommended that in order to ensure the safeguarding of existing hedgerows that are to be retained as part of the development a hedgerow protection plan is secured through an appropriately worded condition.

Given the rural location of the proposed development careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 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.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

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

### Welsh Government Highways

Advise that Welsh Government as highway authority or the A458 trunk road does not issue a direction in respect of this application.

### Cadw

Our role

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

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

### National Policy

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

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

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

### Assessment

Within 1 kilometre are:

MG072 Llysun Motte and Bailey c480 metres to the north,north east.

MG070 Gardden Camp and Barrows c 960 metres to the south.

The proposed development will not be visible from MG072 as it is separated from it by the built up area of the community of Llanerfyl.

The proposed development is potentially visible from MG070, a circular iron age hillfort with a scheduled area extending below the summit to the north to take in the site of two bronze age round barrows. The barrows may have been intended to be visible in the landscape from the valley to the north where the development is to be located; in this context their setting would remain unaffected. The hillfort as a centre of regional power is likely to have commanded views out over the surrounding landscape, however any change to the setting of the monument, at the distance concerned and where the development would be framed against existing townscape, would be considered minimal.

### **Representations**

Three letters of objection have been received at the time of writing this report.

The first objects on the grounds that the development will block the public footpath (the complainant has been informed that this is not the case).

The other two objections include the following concerns:

- The application is to develop land which falls outside the development plan, and is not adjacent to the plan, in which case it is on open green belt land that should be protected.

- The development of this land expanding beyond village boundaries (whilst reduced in size) has only some weeks ago been refused (under ref P/2017/0874) by councillors. The village already has areas more appropriate which are adjacent to the development plan, and within the village.
- The proposal implies it being to support local families, and yet the application only offers up 1 section 106 local needs home, with the remainder having no size or occupation restriction and being for open market development
- This application is not felt to be a sustainable development towards meeting existing and future needs of the community, as evidenced by the fact there remains a number of undeveloped areas more central to the village (not on green belt land), that have not been developed, and the shopping, retail, banking, transportation services of the village are very limited to warrant such expansion. There is only one daily bus service.
- It was noted in the recently refused application, that more children attend the nearby Llanfair school, rather than Llanerfyl.
- The parcel of land proposed for development also floods
- All things being equal, i.e. the reason for rejection is still relevant, if this application is approved, it would call into question the integrity of the Planning Department and that of the Llanerfyl Community Council, which has reversed its previous opinion on this matter.
- . Once farming subsidies rely on productivity and not acreage, more agricultural land in the area will become surplus to requirements and a precedent should not be set by allowing development on such land.
- Considering also that there is another application for 9 domestic properties in Llanerfyl, the volume of traffic in the village and on the A458 could increase significantly.
- Another consideration is that there are currently applications for 14 new residences in Llanfair Caereinion, so with potentially 13 in Llanerfyl there can only be increased impact on the services of the Medical Centre, where it can currently take four weeks or more to get an appointment with a chosen doctor.
- Properties do not sell quickly in Llanerfyl and there are currently properties available in the village; at least three for sale and two for letting. Houses that do not sell invariably become letting properties, leading to a somewhat transient population. Houses that do sell seem to be at the lower end of the scale; under £150,000, and this is an ideal price range for the holiday homes market.
- New houses will not per se encourage young people to stay in the village, there needs to be employment opportunities with real career prospects with health and transport services developed alongside.

- The last section of 12.8 of the S/SPS states that the owners of the site have a history of selling plots and houses to Welsh speakers and that these (properties subject of the application) will be offered to local Welsh people. Welsh law prohibits the discrimination on the grounds of race, when selling a property.

## **Planning History**

P/2017/0874- Outline application (with some matters reserved) for erection of 7 no. detached dwellings with detached garages, formation of vehicular access, access road and all associated works. Refused.

## **Principal Planning Constraints**

Public Right of Way  
Class 3 Road 1, Footpath  
C2031

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (9<sup>th</sup> Edition, 2016)  
Technical Advice Note 1: Joint Housing Land Availability Studies (2015)  
Technical Advice Note 5: Nature Conservation and Planning (2009)  
Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)  
Technical Advice Note 12: Design (2016)  
Technical Advice Note 15: Development and Flood Risk (2004)  
Technical Advice Note 18: Transport (2007)  
Technical Advice Note 20: Planning and the Welsh Language (2017):  
Technical Advice Note 23: Economic Development (2014)  
Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)  
Welsh Government Circular 016/2014: The Use of Conditions  
Welsh Office Circular 10/99: Drainage

### Local Planning Policy

#### *Powys Unitary Development Plan (2010)*

UDP SP3 – Natural, Historic and Built Heritage  
UDP SP5 – Housing Developments  
UDP DC1-Access by disabled persons  
UDP E7- Solar technologies  
UDP ENV1-Agricultural land  
UDP ENV2 - Safeguarding the Landscape  
UDP ENV3 – Safeguarding Biodiversity and Natural Habitats  
UDP ENV7 - Protected Species  
UDP GP1 - Development Control



UDP GP2 – Planning Obligations  
UDP GP4 - Highway and Parking Requirements  
UDP GP5 - Welsh Language and Culture  
UDP HP3 - Housing Land Availability  
UDP HP4 – Settlement Development Boundaries and Capacities  
UDP HP6 – Dwellings in the Open Countryside  
UDP HP7 – Affordable Housing within Settlements  
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries  
UDP HP9 - Affordable Housing in Rural Settlements  
UDP HP10 - Affordability Criteria  
UDP DC13 – Surface Water Drainage  
UDP RL6 - Rights of Way and Access to the Countryside  
UDP TR2: Tourism Attractions and Development

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010, Updated July 2011

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**

### 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.

### Principle of Development

UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.* Llanerfyl has a development boundary so the relevant policy is HP8 which states that favourable consideration will be given to proposals for affordable housing where sites adjoin settlements with development boundaries. The site is therefore not in accordance with the UDP policies and is considered to be a departure from the adopted plan. Although it is anticipated that the LDP will shortly supersede the UDP in terms of policy considerations the UDP, at present, still carries weight.

Committee Members will be well aware that Officers recommended approval to the previous application which proposed seven dwellings on a larger site. This recommendation was based on the current shortfall in housing land supply and appraisal of the impacts of the proposal with regard to specific material considerations.

Members were also made aware in the ensuing discussion that the LDP does not have a development boundary but it is envisaged that there will be a modest growth in housing for the settlement.

What follows is a revised appraisal of the acceptability of the housing scheme now proposed at this edge of settlement location.

### Design and layout and impact upon surrounding area – landscape and visual impacts

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site without unacceptable impacts on the landscape and on visual amenity.

The site does have a reasonable relationship to the settlement's built form being opposite existing dwellings and the Bethel Chapel and with a dwelling and the village workshops to the west and on the same side of the road. The existing hedgerow is shown as being largely retained (although this would depend on access proposals put forward at reserved matters stage) but the landscaping of the site would assist with integration. Therefore, it is not considered that a reason for refusal on landscape and visual grounds could be sustained.

### Highway access and parking requirements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking.

An indicative layout has been submitted with the application showing proposed dwellings being served by a shared private drive leading to an adopted access onto the Talerdigg road. Concern has been raised previously regarding the impact of additional traffic in the village and particularly on the location of development opposite the entrance to the village hall creating an additional hazard.

This concern is not shared by the Highway Authority who, initially, recommended conditions to be applied to any approval on the basis of the access arrangements shown on the indicative layout. However, having had sight of the Community Council's representation, the applicant has requested that the access arrangements for the development be reserved for detailed consideration at the reserved matters stage.

### Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The latest Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply which is a considerable shortfall.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

*'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when*

*dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.*

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

The objector to the application states that there is sufficient land within the settlement to accommodate further housing but Members will recall that this was previously contested on the grounds that remaining open areas are subject to constraints such that they have not been the subject of development proposals. However, as pointed out by one of the objectors, an outline application for nine dwellings in the village. (P/2017/1493) was registered late last year but this has now been withdrawn following concerns raised by the highway department regarding the sub- standard nature of the proposed access arrangements.

#### Affordability

Referencing the Joint Housing Land Availability Study a figure of 10% is justified in Llanerfyl. The applicant is offering one dwelling which is considered to be reasonable in the circumstances.

#### Sustainability:

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llanerfyl accommodates a school, Community centre and a Garage (which also sells a limited range of retail goods) and is served by a limited bus service. In light of this, the settlement is considered to be sufficiently sustainable for the scale of development proposed.

#### Economic Development:

In relation to economic development, it is considered that the potential construction of the dwellings would make a modest contribution to the economy of the local area. The development is, therefore, considered to have a neutral to positive impact on the local economy and jobs.

#### Social Cohesion and Community Vitality

Given the scale of the proposed development, it is not considered that the proposal would have a significant effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. It is considered that no robust evidence has been identified that the proposed development would undermine traditional values and community culture.

The fact that approval of the application would enable the provision of a unit of Affordable housing could assist the aim of retaining younger, economically active members of the Community.

Statements have been made to the effect that the Primary School in Llanfair is more attractive than the village school but there is no hard evidence in that regard. Taken to its conclusion, the logic of such an argument is that the future of the Llanerfyl School is in doubt and that this development would not assist in its retention; an assumption which, if acted upon, could potentially further serve to erode the settlement's viability.

### Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Government's commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

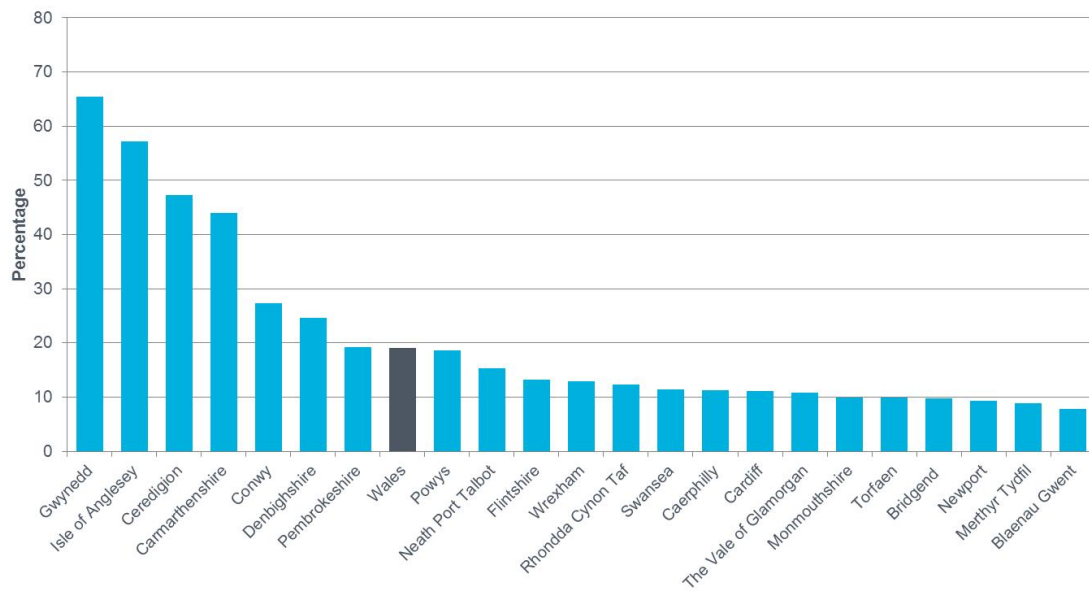
With regards to the Development Management function, PPW states as follows:

*“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”*

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanerfyl is one such settlement.

The national picture and the place of Powys within remains as shown below:

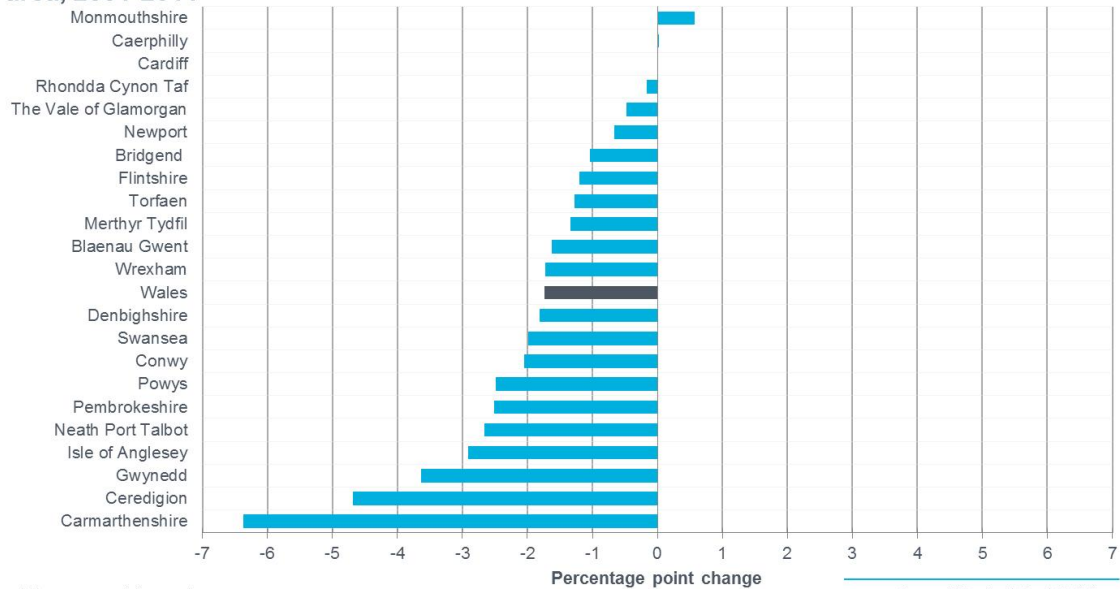
**Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area**



welshlanguagecommissioner.wales

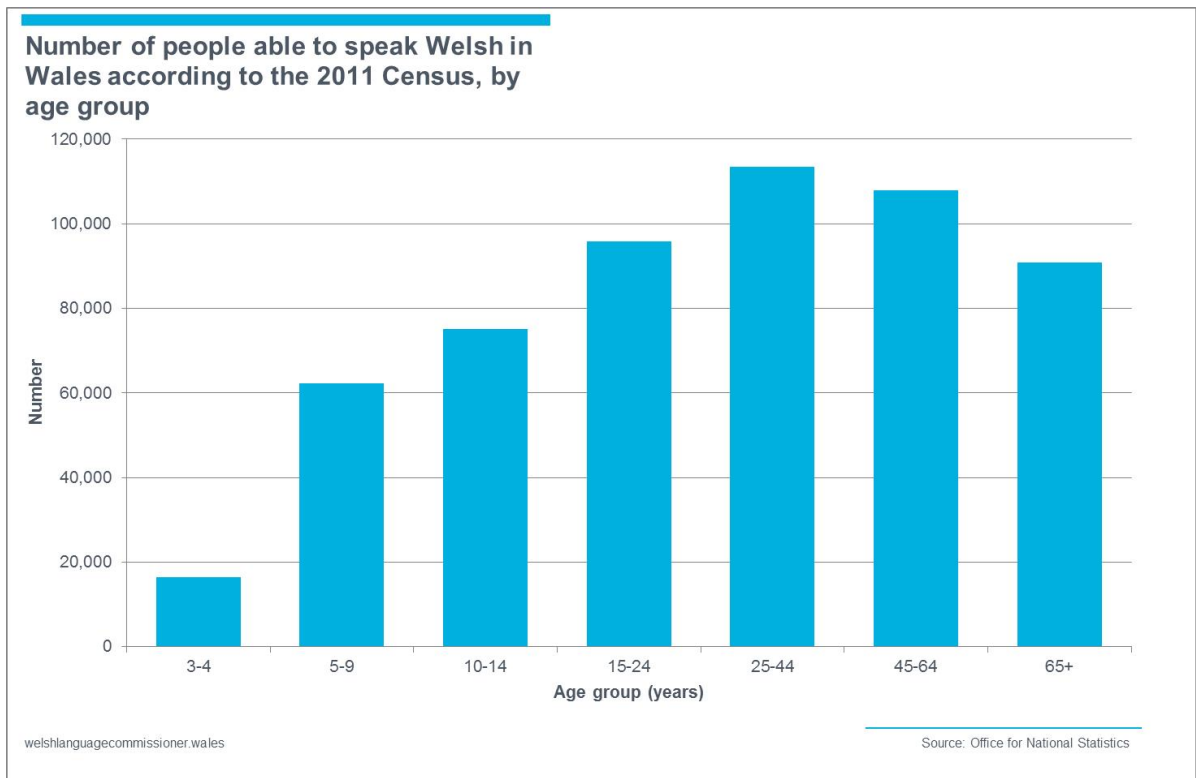
Source: Office for National Statistics

**Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011**



welshlanguagecommissioner.wales

Source: Office for National Statistics



Llanerfyl is above the national and Powys average when it comes to the extent of Welsh speaking as shown in the following table and is acknowledged in UDP policy GP5 as a settlement where the Welsh Language is identified as being important to the social, cultural and community fabric. The applicant's agent has provided a section within the Planning Statement devoted to Welsh Language and Culture in which it is pointed out that there is not a serious decline in speakers of the Welsh Language and arguing that new housing will provide young families with the opportunity to live in the village.

The census data does show that there is a small decline in a modestly growing population and a heartening increase in the 3-15 age group reflecting the teaching of the Welsh language in schools

#### Ability to speak Welsh-Llanerfyl

Age	2011 %	2001 %	2011 Number	2001 Number
3+:	56.5	57.9	223	221
3-15:	92.1	75.3	70	55
16-64:	47.3	51.8	116	129
65+:	50.0	61.7	37	37

#### Number of residents aged 3 and over:

Census	Number
2011	395
2001	382

On balance, therefore, and given the modest size of the proposal and the element of affordable housing proposed, the impact of the development on Welsh Language and culture is likely to be neutral rather than negative.

The point raised by an objector regarding discrimination favouring Welsh people is noted but, if approved, the affordable unit would be subject to the Council's requirements which do not make distinctions regarding race.

#### Impact upon amenities enjoyed by the occupants of neighbouring properties

Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy. The location of the site and the indicative layout demonstrate that there will be no unacceptable negative impact on the amenities of existing dwellings.

#### Foul and surface water disposal

It is proposed to dispose of foul sewage to the mains system which is the preferred method of disposal within planning policy. It is recommended that a condition is attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

#### Impact upon nature conservation

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore, the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The County Ecologist has confirmed that there are no adverse biodiversity impacts associated with the proposal and has recommended conditions. Detailed landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3. Informative notes are also recommended.

#### Impact on Rights of Way

The revised scheme will not affect the Public Right of Way

#### Impact upon heritage assets

It has been confirmed by Cadw that there is no objection to the proposal and there are no known archaeological remains which would be affected by the development.

#### Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1.

## Flooding

The application site is not within an area identified as vulnerable to flooding. The fact that there can be standing water at times of heavy rainfall could be relevant if it was proposed to use private sewage treatment but, in this instance, the development would be connected to the mains sewerage system.

## **Other Planning 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.

### 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 it is acknowledged that the Committee have previously refused an application for 7 dwellings at this location on the grounds that the level of development would be



unsustainable, and that the current proposal remains a departure from the Unitary Development plan, it is advised that the specific impacts of the proposal are acceptable and the provision of four dwellings is considered to be sufficiently beneficial to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. It is also considered that the settlement has a degree of sustainability sufficient to justify this level of growth. The recommendation is therefore one of approval, subject to the following conditions:

**Conditions:**

1. Details of the appearance, landscaping, layout, access arrangements 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. 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 1 affordable dwelling;*
  - 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.*
5. The affordable dwelling 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.
6. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

7. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

8 Prior to commencement of development a Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

9. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

10. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

## **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 order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

5. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

6. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

7. To comply with Powys County Council's UDP Policies SP3 and ENV2 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. 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.

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

10. In the interest of protecting the amenity of nearby dwellings in accordance with Policy GP1 of the Powys Unitary Development Plan (2010).

### **Informative Notes**

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore 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.

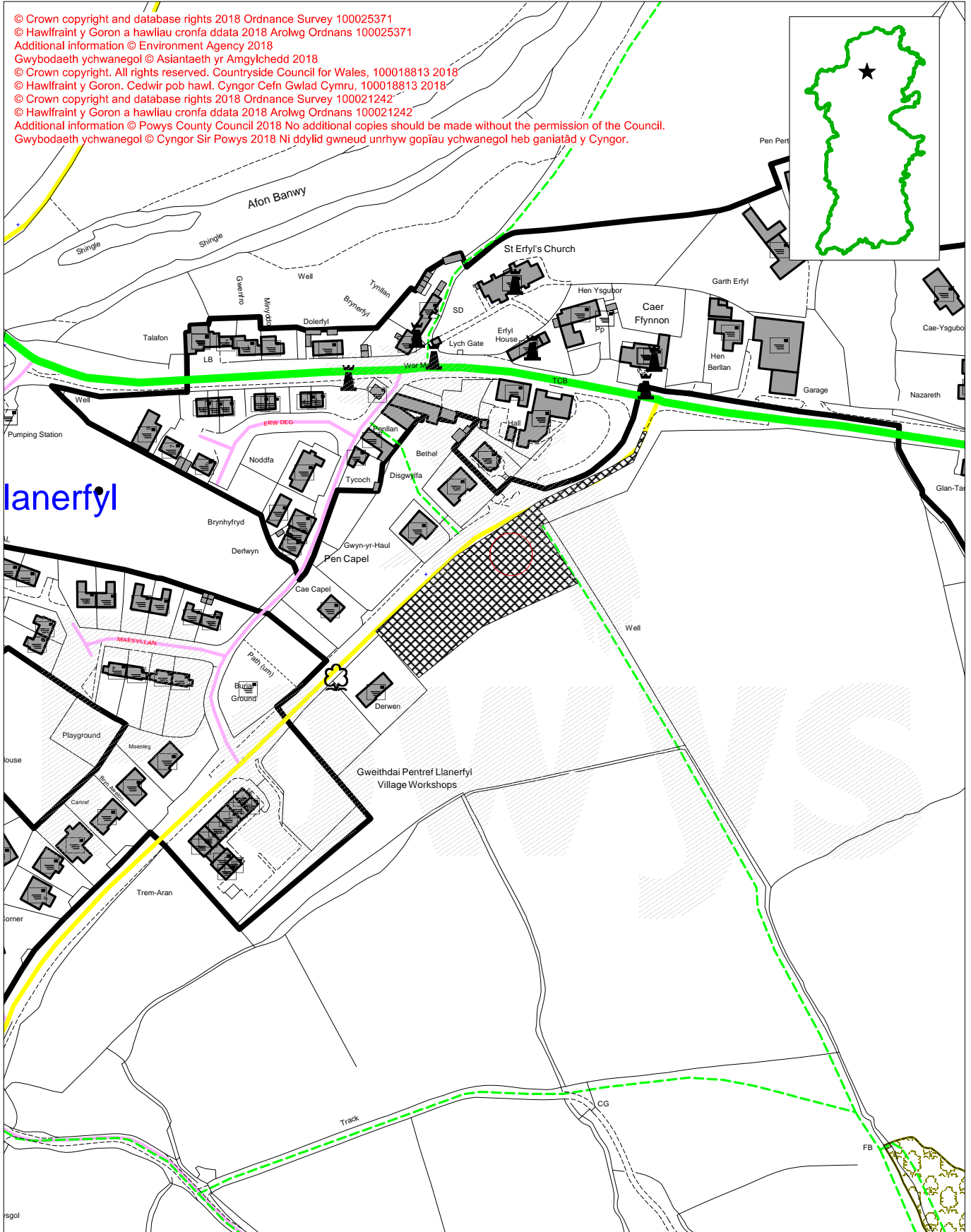
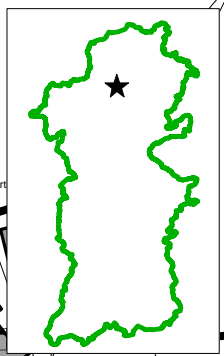
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually 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.

---

Case Officer: Steve Packer- Principal Planning Officer  
E-mail: [steve.packer@powys.gov.uk](mailto:steve.packer@powys.gov.uk)

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.7

## 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

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

### 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 three dwellings and one affordable dwelling 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.

### Consultee Response

#### Machynlleth Community Council

Thank you allowing the extension to the above planning application Councillors decided at their meeting on 18<sup>th</sup> December to oppose the above planning application

#### PCC Highways

The County Council as Highway Authority for the County Unclassified Highway, U4017

Wish the following recommendations/Observations be applied

#### Recommendations/Observations

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.

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.

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.

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.

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.

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.

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.



The width of the access carriageway, constructed as Condition HC7 above, 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.

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,

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.

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.

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

Reason: 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.

#### PCC Building Control

No comments received at the time of writing this report

#### Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 27.11.2017, advising us of the proposals for:

14, Ffordd Mynydd Griffiths, Machynlleth, Powys, SY20 8DD

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

#### Severn Trent Water

Having checked our statutory sewer records, the above site is out of Severn Trent's waste water area; it appears to be for either Welsh Water or United Utilities. Therefore we have no comment to make.

#### PCC Environmental Health

Thank you for your consultation in respect of this application. Given that the applicant is connecting to the mains sewer I have no objection to this application

#### PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1342 which concerns a full planning application for erection of 4no dwellings and garages and all associated works on land between 14 & 15 Fford Mynydd Griffith, Machynlleth.

I have reviewed the proposed plans submitted, aerial images of the surrounding habitats, as well as reviewing local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 263 record of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory designated sites within 500m of the proposed development.

There is one non-statutory designated sites within 500m of the proposed development;

- Machynlleth Railway Cutting – RIGS

Having considered the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated site or its associated features

An Ecological Survey Report has been submitted to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

I have reviewed the Ecological Survey Report produced by Cambrian Ecology Ltd, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 16<sup>th</sup> November 2017 to carry out an extended phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species. Adjacent land was inspected for evidence of key habitats or key species.

The habitats identified on the proposed development site included large area of hard standing, an overgrown pond, plantation woodland and improved grassland. There is a hedgerow boundary with noted presence of invasive garden species recorded within an area of the plantation woodland.

The nature of the habitat indicated that the following species have potential to be present and affected by the proposed development; amphibians, badger, nesting birds and reptiles.

Amphibians; no signs of amphibians was recorded during the survey however it is considered that there is potential for protected species to be present and associated with the habitats on the site.

Badger; badger paths were present within the improved grassland area on the eastern edge of the site. The paths did not lead to any use of the site itself. Minor foraging was recorded within the large grazed improved grassland adjacent to the site.

Nesting Birds; No evidence of nesting bird was recorded. However habitats were considered to have potential to support nesting birds.

Reptiles; No signs of reptiles were recorded during the survey. However it is considered that there is potential for protected species to be present and associated with the habitats on the site.

The woodland areas that were identified contain low diversity of immatures trees, primarily just two species. The trees were considered to be of limited biodiversity value due to the lack of crevices – offering little opportunity for roosting bat however they do provide potential for nesting birds.

The perimeter hedge is considered to provide good habitat connectivity for a range of bat species as well as provided feeding opportunities. There the hedge could be considered an important feature in the wider landscape.

The ponds identified on the site was assessed to have little value due to dense shading and dense growth of invasive sedge. Grass species were noted in some areas of the pond suggested that the pond dries out. As such the ponds are considered to offer little opportunity for breeding amphibians or aquatic biodiversity in its current condition.

The report recommends that the loss of the current pond and surrounding woodland/scrub habitat will be mitigated for by the creation of a new pond with buffer of surrounding habitat offering shelter and foraging opportunities. The new pond will offer potential foraging habitat and there is excellent reptile habitat immediately adjacent to the eastern edge of the site in the form of a west-facing slope, with heather and rocky habitats.

Mitigation and compensation measure have been recommended in section 8 of the ecological survey report. Recommended measures include timing of works regarding tree and vegetation clearance, working method and biosecurity measures to prevent the spread of non-native invasive species, creation of a new pond, additional hedgerow planting, reasonable avoidance measures regarding reptiles and amphibians, provisions of bat brick and provision of nest boxes.

Given the identified measures in section 8 of the ecological survey report I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a significant negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

Tree and Hedgerow Protection Plan

Given the proximity of proposed development and associated works to the hedgerow boundary and trees on the development site, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

A Landscaping Plan

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following condition:

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 unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council’s UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 unless otherwise agreed in writing with the LPA.

Reason: 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.

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.

Reason: 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.

#### PCC Land Drainage

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

#### Local Flood Risk/Land Drainage

The Authority holds no documented records of any historic flooding relating to this site, however within the representations submitted, many of the local Residents allude to surface water run-off emanating from the site onto the public highway. The LLFA would recommend that development should not be permitted unless it can be demonstrated that surface water run-off can be controlled/managed and that it would not give rise to any unacceptable flooding impacts elsewhere.

#### Surface Water Drainage

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to soakaways.

No surface water drainage details/drawings have been submitted to demonstrate that soakaways will operate effectively.

From viewing Dwr Cymru Welsh Water’s sewer records, it is noted there is a public surface water sewer available within Ffordd Mynydd Griffiths development.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design such as that recently published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems” dated January 2017 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. Any attenuation drainage system should be designed in accordance with Welsh Government’s design standards mentioned above.

The LLFA recommends that the surface water drainage design for this development proposal follow and incorporate Welsh Government’s SuDS design standards.

If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Recommendation: 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 before any dwellings are occupied.

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

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.

### PCC Affordable Housing

No comments received at the time of writing this report

### Cllr Michael Williams

27<sup>th</sup> November 2017 –

Having viewed the documents in respect to planning application P/2017/1342, I shall not be invoking the council's 'call-in' procedure.

*Additional response received 10<sup>th</sup> December 2017 –*

With reference to my email of the 27<sup>th</sup> November last past, I have now given further consideration to planning application P/2017/1342 for the erection of four dwellings and associated works on land between 14 and 15 Ffordd Mynydd Griffith, Machynlleth; given the possible impact of the development on Ffordd Mynydd Griffith, including highways issues, I wish to invoke the council's 'call-in' procedure and that the application be determined by the planning committee.

### Contaminated Land

The following document has been submitted in support of Planning Application P/20171342:

□ Terrafirma (Wales) Limited 'Geotechnical & Geo- Environmental Report: Proposed Residential Development, Mynydd Griffiths, Machynlleth' (Job No: 14286) July 2017.

Based on the information submitted, in the above referenced document, the following advice is provided for the consideration of Development Control.

#### Advice

1. In section 2.3.3 'Radon', of the 'Geotechnical & Geo- Environmental Report', it is stated: "[...] no radon protective measures are necessary in the construction of new dwellings or extensions."

It is recommended that Development Control consult with Building Control to confirm the requirement for Radon protection measures.

2. Section 6.3.3 'Site End Users', of the 'Geotechnical & Geo- Environmental Report', recommends: "If, during development works, any other unexpected ground conditions or evidence of contamination is found, inspection by a geo-environmental engineer should be made, and any required testing or investigation carried out prior to continuation of works."

3. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that

of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners”.

In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular ‘The Use of Planning Conditions for Development Management’ (ref: WGC 016/2014), advises that: “Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment”.

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is advised: “The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course”.

4. Based on the information provided, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for Planning Application P/2017/1342:

#### Unsuspected Contamination

In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation 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, prior to commencement of use of the development.

Reason: 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 Plan 2010.

#### Note to Applicant

#### 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.

#### **Public Response**

Following the display of a site notice on 07<sup>th</sup> December 2017, there have been 8 letters of objection received to the proposed development.

The representations received have been summarised below:



- Concerns over moving the pond and the impact on wildlife
- Concerns regarding overlooking
- Harmful encroachment on the surrounding countryside contrary to HP4 and HP8
- Visual and landscape impact, elevated and sky-lined development contrary to GP1 and ENV2
- Visual impact on the surrounding landscape
- Unsuitable form of backland development
- Concerns over the surface water and drainage
- Concerns over the capacity of the waste water and sewage system to accept additional input.
- Concerns over the proposed access – steep with a sharp bend
- Concerns over the potential increase in traffic
- Harmful encroachment on the surrounding countryside contrary to HP4 and HP8
- Visual and landscape impact, elevated and sky-lined development contrary to GP1 and ENV2
- Significant impact on the amenity and privacy of existing properties

## **Planning History**

P/2016/0932 - Erection of 2 detached dwellinghouses, erection of a detached garage for plot 1, formation of vehicular access road and all associated works

P/2011/0830 - Erection of 2 dwellings and associated works (outline) - Withdrawn

P/2012/0748 – Outline: Erection of a single dwelling. Refused.

DIS/2017/0186 - Discharge of conditions no 7 of planning consent P/2016/0932, Conditional Consent

PPAE/2017/0212 – Pre Application Advice

PPAE/2015/0136 - Pre Application Advice

## **Principal Planning Constraints**

Mont Common Land MCL103

Pen-yr-Allt Common

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (Edition 9, January 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)  
TAN 12 - Design (2014)  
TAN 15 - Development and Flood Risk (2004)  
TAN 18 - Transport (2007)

### 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 HP10 - Affordability Criteria  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP5 - Residential Developments  
UDP HP6 - Dwellings in the Open Countryside  
UDP HP7 - Affordable Housing within Settlements  
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries  
UDP HP9 - Affordable Housing in Rural Settlements  
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

### **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

#### Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies outside the settlement of Machynlleth as defined by the Powys UDP and therefore constitutes a departure from the development plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the

Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development.

### Sustainability

Although located within the open countryside, the site is located adjoining the Area Centre of Machynlleth which benefits from a number of shops, schools, amenities and other community facilities and is closely linked by existing infrastructure, and easily accessible by public transport (bus and rail) and car. Given the noted proximity, future occupiers would have easy access to existing facilities/amenities within the settlement but also connections to the wider area through public transport services. On this basis, Officers consider the site to be a sustainable location for new residential development.

Having carefully considered the proposed residential development, Officers consider that sufficient information has been submitted to demonstrate the current housing shortfall whilst providing a scheme which is considered to be appropriate to the existing settlement in terms of density, growth and location.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Plots 1 and 2 will measure approximately 8.7 metres in width and 13.35 metres in length, the proposed dwellings will reach a height of approximately 7.5 metres. Plot 3 will measure approximately 13.25 metre in width and 12.85 metres in length and will reach a height of approximately 8.9 metres. Plot 4 of the proposed site will measure approximately 10.6 metres in width, 10.2 metres in length and will reach a height of approximately 8.1 metres.

The proposed dwellings have been designed to be in keeping with the previously approved application. The dwellings will be finished with timber boarding, render and stone for the walls whilst the roofs will be finished with natural slate tiles. The windows and doors will be finished with timber either with an aluminium clad or painted finish. The existing residential area of Mynydd Griffiths is made up of a mixture of dwellings in terms of design and size.

The gross area of the site is 0.33ha as per the design statement. There are two areas of the proposed site that are undevelopable, by virtue of topography and ecological constraints.

There is an area behind No. 14, to the west of the application site that is undevelopable due to the extremely steep gradient in this area. A retaining wall is necessary to allow the development of plot 1. The retaining wall has been positioned at the head of this gradient to negate any impact to No. 14. Taking into account these two undevelopable areas, the developable area of the site is 0.29ha.

It is proposed to retain the existing hedgerows on the site boundaries, it is also proposed for new hedgerows and planting on boundaries between each plot and the site boundary itself. Overall it is considered that the proposed design and appearance of the proposed dwellings will reflect the surrounding area in accordance with section 2 of UDP Policy HP5.

### Visual impact

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site is described as offering good views over the Dyfi Estuary, however this in turn means that the site is a prominent and elevated position. The existing development at Ffordd Mynydd Griffiths is located on the hillside in an elevated position. The development of this hillside has impacted upon the landscape of this area and has resulted in a built up appearance to this hillside within an otherwise rural setting on the edge of the town. However, whilst the proposed development would sit at an elevated position it is not considered that the proposed dwellings will have a detrimental impact on the landscape.

Whilst a previous outline application (P/2012/0748) was refused due to the possibility that the development could impact on visual amenity. A recent full application P/2016/0932 for the erection of 2 detached dwellings was approved as the application was in full and provides a higher level of detail than the previously refused application.

The application details a development that is set in to the landscape and uses matching materials and a similar design to the existing dwellings in order for the development to successfully assimilate into the landscape. The current application is in full and provides a high level of detail regarding design and layout. It is proposed to retain the existing hedgerows on the site boundaries, it is also proposed for new hedgerows and planting on the boundaries between each plot and the site boundary itself.

It is therefore considered that the proposed development would not have a detrimental impact on the visual amenity of the area. The design and materials used in the development will ensure that the dwellings do not detract from the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy. HP17 stated that the development of backland in residential areas will only be permitted where no unacceptable adverse effects would be caused to the amenity of neighbouring properties.

Whilst concerns were raised in the previously refused application regarding the potential impact of the proposed dwellings on neighbouring properties, the submitted detailed plans now demonstrate that plot 1 which is the closest proposed dwelling to an existing neighbouring dwelling is approximately 14 metres away. The closest window on Plot 1 to No.14 is 15 metres away on the western elevation and it is a ground floor window. There are no first floor windows proposed on the western elevation. The other proposed dwellings are set further away from any neighbouring dwellings and it is therefore considered that the proposed dwellings will not have a detrimental impact in terms of overlooking and privacy.

A condition will also be attached removing permitted development rights from the proposed dwellings to help mitigate any potential overlooking and privacy issues in the future.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 and HP17 of the Powys UDP in respect of residential amenity.

### Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from an existing access off Ffordd Mynydd Griffiths. Following consultation with the Highways Authority no objections have been raised to the proposed development provided conditions are attached to any consent regarding visibility, parking provision, surfacing and drainage.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movement. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

### Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the PCC Ecologist has been consulted with regard to this application.

The Ecologist reviewed the proposed plans submitted, aerial images of the surrounding habitats, as well as reviewing local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 263 record of protected and priority species within 500m of the proposed development, although no records were for the site itself. The Ecologist noted having considered the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated site or its associated features

An Ecological Survey Report has been submitted to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

The Ecologist reviewed the Ecological Survey Report produced by Cambrian Ecology Ltd and considered that the survey effort employed was in accordance with National Guidelines.

The habitats identified on the proposed development site included large area of hard standing, an overgrown pond, plantation woodland and improved grassland. There is a hedgerow boundary with noted presence of invasive garden species recorded within an area of the plantation woodland.

The nature of the habitat indicated that the following species have potential to be present and affected by the proposed development; amphibians, badger, nesting birds and reptiles.

There are two areas of the site that are undevelopable, by virtue of topography and ecological constraints. As part of the application, in accordance with the comprehensive ecological survey carried out by Cambrian Ecology Ltd, a new pond is to be formed to replace the existing ponds on site. In addition, this report requires that a further three metre perimeter around the pond must not be developed in order to provide a good habitat in which wildlife may thrive. The proposed development will be conditioned in relation to the report by Cambrian Ecology Ltd, hence the area of the pond and surrounding is undevelopable.

The Ecologist recommended the inclusion of a number of conditions to any consent granted.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

### Drainage

Concerns have been raised regarding the drainage of the site, therefore the Powys Land Drainage officer has been consulted regarding the site.

Following consultation with the Powys Land Drainage Officer no objections have been received however a condition has been requested which will be attached to any consent granted. The Land Drainage officer noted the Authority holds no documented records of any historic flooding relating to this site. Environmental Health has also been consulted regarding the site and raised no objection to the application.

Welsh Water were also consulted regarding the application, at present no comments have been received from Welsh Water, however Members will be updated regarding any comments received prior to the meeting.

As such it is 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.

### Contaminated Land

The PCC Contaminated Land officer has been consulted regarding the application and raised no objection to the proposed development subject to the inclusion of a condition regarding remediation works.

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

#### 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Policy GP5 does list Machynlleth as one of the key settlements where the Welsh language is judged to be an integral part of the cultural and social identity.

In the 2011 census the Machynlleth Ward reported that 51.6% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 55.3% of the population of Machynlleth spoke Welsh. The proposed development of four dwellings dwelling is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

It is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Machynlleth is doing very well in terms of the National average, it is one of the few places that has an increase between birth and actual welsh speakers, a positive effect on the language. This is down to the community where integration is easy and inclusive with ample opportunity to learn the language in a choice of ways; classes, local groups, or simply speaking with locals and longer-term residents, where the language is used commonly and more regularly than most other parts of Wales.

This development is a continuation of the development on Mynydd Griffith, which has been in progress, in some form or other, over the past 20 years. The proposed development is not considered to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore fully complies with National and Local Policies.

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

#### Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as partly urban and 3b agricultural land; this is defined as moderate quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b and urban it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

### **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**

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, PL100).
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.

## **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.

## **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

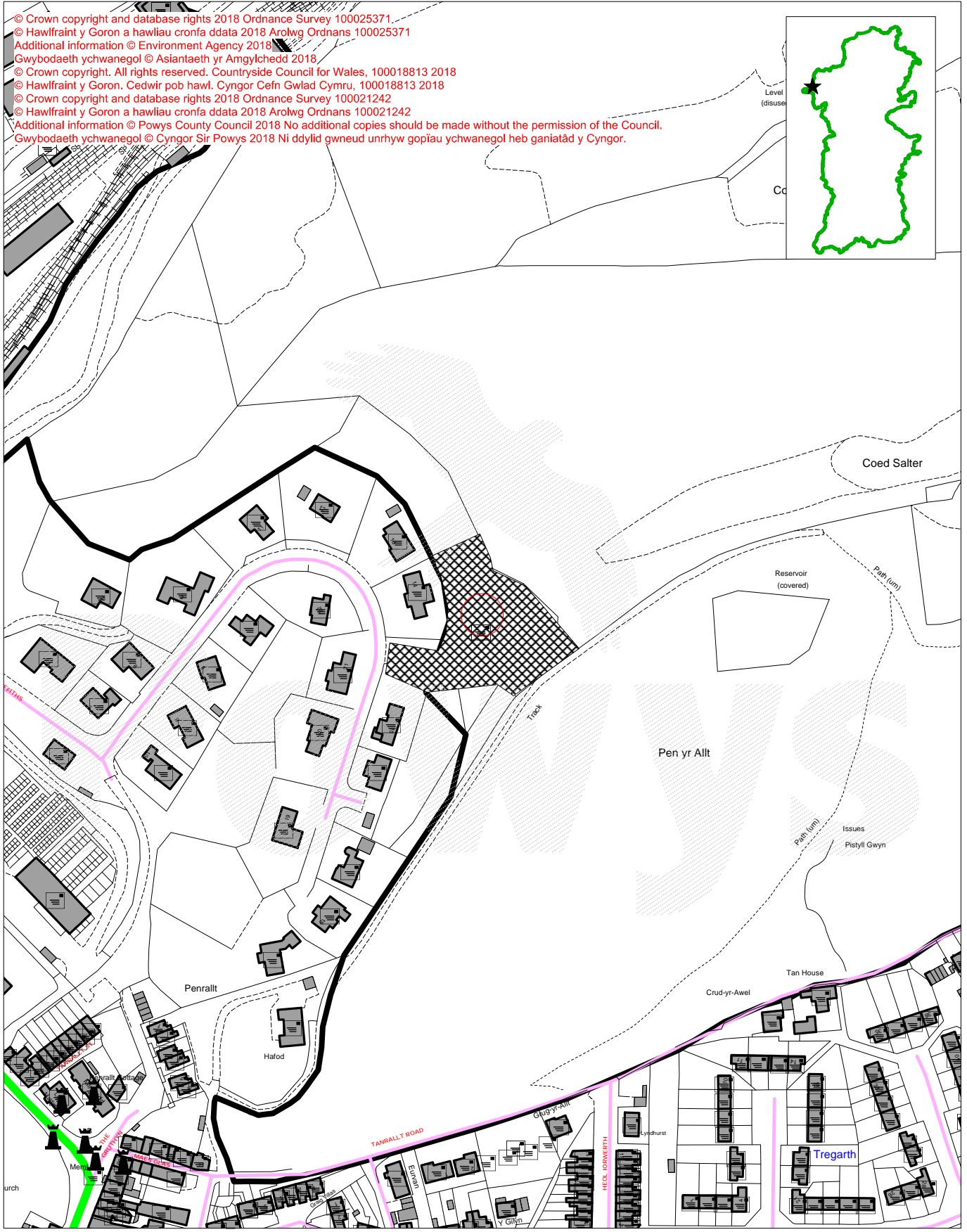
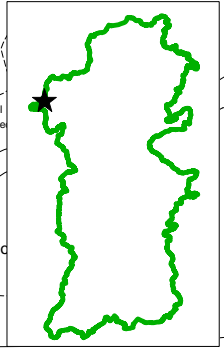
Informative: Consent is required from the service provider to connect into the public surface water sewer.

---

Case Officer: Luke Jones- Planning Officer  
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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



# 4.8

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

<b>Application No:</b>	P/2017/1421	<b>Grid Ref:</b>	300529.02 251422.84
<b>Community Council:</b>	Cilmery	<b>Valid Date:</b>	<b>Officer:</b> 06/12/2017 Thomas Goodman
<b>Applicant:</b>	Mrs Eileen Cheffers, 9 The Crescent, Llanelwedd, Builth Wells, Powys, LD2 3TR		
<b>Location:</b>	Land adj Morgannwg, Cilmery, Builth Wells, Powys, LD2 3NU		
<b>Proposal:</b>	Outline: Residential use of 4 self build plots (all matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

### Site Location and Description

Consent is sought for outline permission for the erection of 4 dwellings with all matters reserved. The details relating to access, appearance, landscaping, layout and scale are all reserved for future consideration.

To the north of the application site runs the A483 trunk road, to the east and south is agricultural land and to the west the development adjoins the settlement development boundary of Cilmery.

### Consultee Response

#### Cilmery CC

No response received at the time of writing this report.

#### PCC Building Control

Building Regulations approval will be required for this proposal.

#### Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

### PCC Environmental Health

*Consultation response received 22/12/2017:*

Clarification is sought on the disposal scheme for sewage prior to my response. Is the development intended to join mains, if in the area, or will a private treatment package be used and if so we would require confirmation that the land is suitable for such a plan.

### PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1421 which concerns the outline application for residential use of 4 self-build plots (all matters reserved) on land adjacent to Morgannwg, Cilmery, Builth Wells.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 45 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows on the northern boundary is considered to be of moderate ecological value.

#### Hedgerow Replacement Plan

From the plans submitted it appears that sections of the hedgerow will be removed to accommodate the proposed access.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any hedgerow - a Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be

identified – species used will need to be native and reflect the hedgerows present in the local area.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

#### Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

#### Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 unless otherwise agreed in writing with the LPA.

Reason: 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.

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.

Reason: 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.

In addition I recommend inclusion of the following informative:

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.

Welsh Government Transport

I refer to your consultation of 18 December 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. 17/006/02 Revision B).

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following points should be brought to the attention of the applicant:

- 1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- 2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- 3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;
- 4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

- 5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; [http://www.traffic-wales.com/traffic\\_signs.aspx](http://www.traffic-wales.com/traffic_signs.aspx)

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@gov.wales](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

*Consultation response received 06/02/2018:*

The proposed arrangement is seen as a betterment in terms of highway safety as it removes two non-compliant assets and installs one that is fully compliant.

Cllr David Price

The feeling locally seems to be that there is general support for the principal of the development. However, there are concerns regarding the loss of the highway lay-by. Can you please give your thoughts on that element? I assume the issue of the old phone-box would be matter outside of planning? But as it now belongs to the Community Council, should they refuse to allow it to be relocated, this could present a problem in achieving the access?

## **Representations**

Following the display of a site notice and press advertisement, 5 letters of objection have been received from members of the public, which in summary raise the following matters:

- Removal of existing lay-by, which is used for parking for walkers, access to the post-box and provision of the bus-stop
- Whether or not the development is in a sustainable location
- Lack of walking/cycling

## **Planning History**

P/2015/0638 - Full: Erection of a bungalow and double garage and all associated works – Conditional Consent – 16/09/2015

P/2017/0609 - Outline: Erection of 4 dwellings, each with detached garage, and all associated works – Application Withdrawn.

## **Principal Planning Constraints**

Open Countryside

## **Principal Planning Policies**

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)

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)

SP1 – Social, Community and Cultural Sustainability  
SP5 – Housing Developments  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 - Highway and Parking Requirements  
HP1 – Shire Housing Allocations  
HP3 – Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 – Residential Developments  
HP6 – Dwellings in the Open Countryside  
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries  
ENV 2 - Safeguarding the Landscape  
ENV 3 - Safeguarding Biodiversity & Natural Habitats  
ENV 4 - Internationally Important Sites  
ENV 5 - Nationally Important Sites  
ENV 7 - Protected Species  
ENV 8 - Tree Preservation Orders  
ENV 14 - Listed Buildings  
ENV 17 - Ancient Monuments & Archaeological Sites  
ENV 18 - Development Proposals Affecting Archaeological Sites  
DC11 – Non-mains Sewage Treatment  
TR2 – Tourist Attractions and Development.

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

#### **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.

##### Principle of Development

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that:

'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2015 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

### Sustainability

In considering the proposed development, Members are asked to consider whether the provision of four dwellings in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

Cilmery is classified as a small village within the Powys Unitary Development Plan (2010). Although Cilmery has very limited facilities the village does contain a public house. Cilmery is also within close proximity to the settlement of Builth Wells where additional services can be found. Builth Wells is considered as an area centre within the Powys Unitary Development Plan. Cilmery is located upon the A483 leading to Builth Wells approximately 2.3 miles away. There are no cycle routes or pathways that lead directly to Builth Wells and therefore the only method of travel to facilities such as shops would be via public transport or motor vehicles.

### Highway Safety



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).

#### Appearance, Layout and Scale

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

#### Affordable Housing

Given the scale of the development (four houses and below 0.3 hectares) affordable housing is not proposed.

#### Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist has carried out a data search which identified 45 records of protected and priority species within 500 metres of the proposed development, however, none have been recorded

for the site itself. The site is considered to be improved grassland with a low ecological value. However, the Ecologist has confirmed that the hedgerows along the northern boundary are of moderate ecological value. Therefore, the Ecologist has requested that a hedgerow replacement plan is submitted prior to the commencement of development as well as an appropriate landscaping scheme which will include details of existing and proposed trees and hedgerows. The Ecologist has also requested that a sensitive lighting plan is submitted prior to the commencement of development in order to ensure nocturnal species are not detrimentally impacted upon.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development will not have a significant negative impact upon protected species and their habitats and therefore comply with policy ENV3 and ENV7 of the Powys UDP.

### Environmental Health

Powys County Council's Environmental Health Officers have been consulted in relation to the means of foul drainage. The Officer has requested clarification as to the disposal scheme for sewage. Confirmation has been received from the agent that the disposal of foul drainage will be connected to the mains. Therefore it is considered that an appropriate scheme of drainage is being provided and no further information is required.

### Agricultural Land Classification

Policy ENV1 of the Powys Unitary Development Plan states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible. Agricultural land classed as 1, 2 and 3a is considered to be the best and most versatile and development proposals should be restricted in these locations. In this instance the proposed development is situated on agricultural land that is classed as 3b which is moderate quality land.

The proposed development therefore complies with policy ENV1 of the Powys Unitary Development Plan (2010).

### 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 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 subject to conditions.

## **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.

## **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 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.

## 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.

### *Highway Safety*

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

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

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

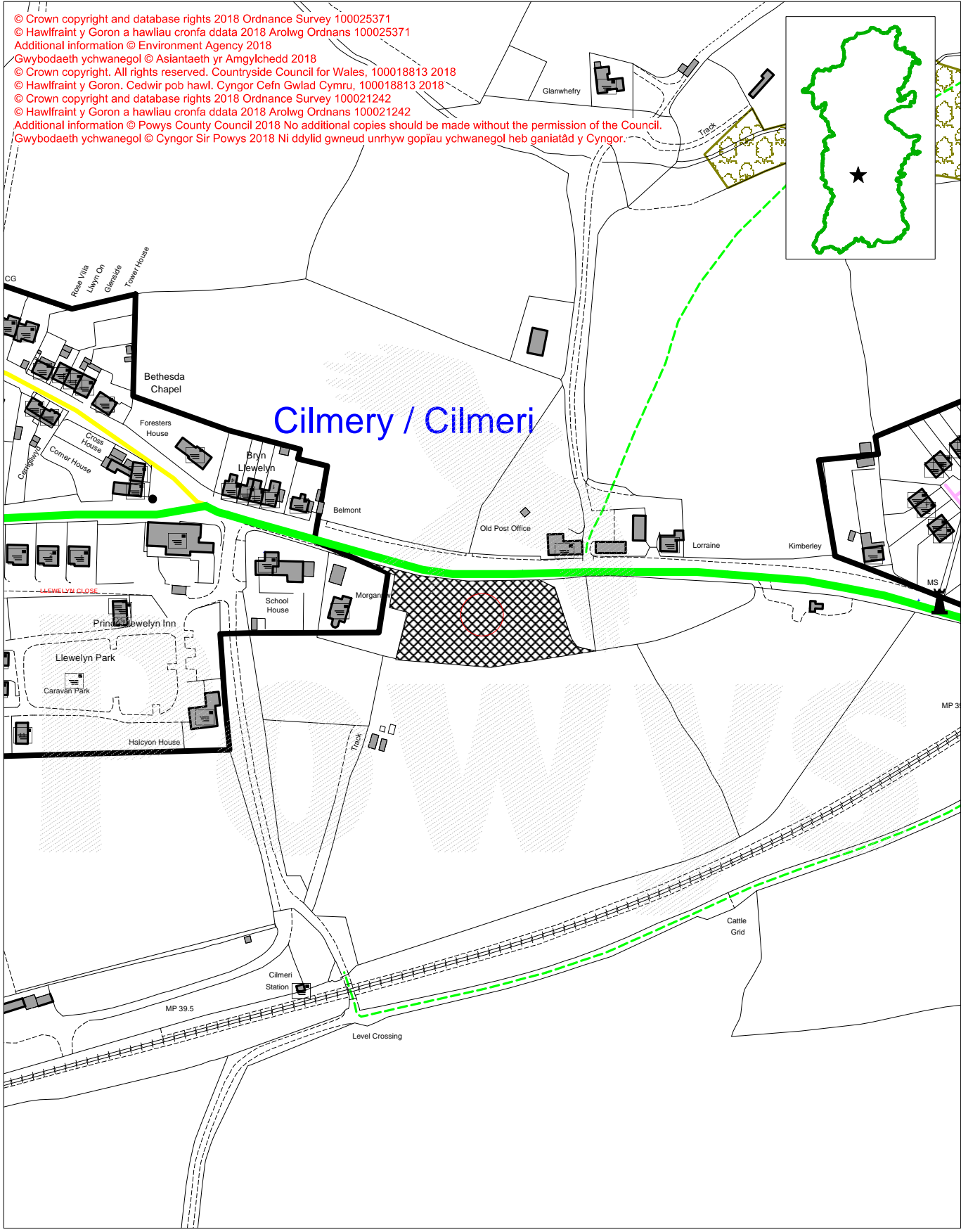
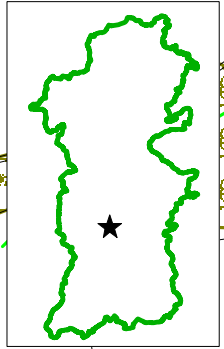
4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; [http://www.traffic-wales.com/traffic\\_signs.aspx](http://www.traffic-wales.com/traffic_signs.aspx)

---

Case Officer: Thomas Goodman- Planning Officer  
Tel: 01597 827655 E-mail: [thomas.goodman@powys.gov.uk](mailto:thomas.goodman@powys.gov.uk)

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopiau ychwanegol heb ganiatâd y Cyngor.



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



# 4.9

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

<b>Application No:</b>	P/2017/1250	<b>Grid Ref:</b>	323045.79 320594.62
<b>Community Council:</b>	Llansantffraid	<b>Valid Date:</b>	<b>Officer:</b> 30/10/2017 Eddie Hrustanovic
<b>Applicant:</b>	Mrs B A Edwards, Lower Trewylan Farm, Llansantffraid, SY22 6TH		
<b>Location:</b>	Land adjoining Cranford, Llansantffraid, Powys, SY22 6AX.		
<b>Proposal:</b>	Outline application (with some matters reserved) for residential development for up to 9 dwellings with 7 no. garages, formation of vehicular access and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The proposed development constitutes a departure from the development plan.

### Site Location and Description

The site subject to this application is located within the open countryside however adjoins the settlement development boundary of Llansantffraid-ym-Mechain, defined as a key settlement within the Powys UDP.

The site is located to the east of the existing development boundary and existing residential dwellings. The site is bound to the east, south and west by agricultural land. Located to the north is agricultural land which benefits from outline planning permission for residential development (P/2017/0363) and beyond the public highway (A495).

Consent is sought in outline, with all matters apart from access reserved for future consideration, for the construction of up to 9 dwellings, including a provision of a two affordable dwellings (7 open market + 2 affordable units). The scheme will utilise the site access approved under P/2017/0363 and estate road.

### Consultee Response

#### Llansantffraid and Deytheur Community Council

At a recent meeting of the above council, planning application P/2017/1250, land adjacent to Cranford, was discussed and the council is NOT in favour of supporting it. The reasons being:-

The entrance is in a very dangerous spot and not all the splay is owned by the applicant.

The junction opposite by Three Chimneys would have to be altered as this too is a very dangerous junction and for vehicles to turn right out of the junction they turn left and then turn around in the lay by as visibility is so limited.

The proposed development land is not within the LDP boundary.

How many of the houses would be for Local Need?

Is there any money from the developer for the infrastructure of the village – the school and recreational facilities?

I trust that you will address the above issues.

### Highway Authority

The County Council as Highway Authority for the County Class I Highway, A495

Wish the following recommendations/Observations be applied

#### Recommendations/Observations

- HC1 Any entrance gates to the field access to the east 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 development hereby permitted remains in existence.
- HC1a Prior to the occupation of any dwellings any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted 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 a south westerly direction and 115 metres in a north easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- HC9 Prior to the occupation of any of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
- HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain 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 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
- HC13 Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
- HC19 No building shall be occupied before the estate road carriageway and one footway shall be 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.
- HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
- HC28 Surface levels of the estate road are to fall away from the carriageway of the county highway at a minimum gradient of 1 in 30 for a distance of 10 metres from the edge of the adjoining class I highway and shall be retained at this gradient for as long as the development hereby permitted 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.
- HC31 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.

- HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.
- HC34 Prior to the commencement of the development full engineering drawings for the construction of the new footway and widening of the existing footway to 2 metres along the A495 and associated drainage to include detailed cross sections through the structure and the adjacent highway shall be submitted and approved in writing by the Local Planning Authority. The works hereby approved shall be fully completed to the written satisfaction of the Local Planning Authority prior to the occupation of any dwelling.

In the interests of highway safety.

#### Welsh Government - Transport

I refer to your consultation of 06/11/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox  
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

#### Building Control

Building Regulations application required.

#### Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 06.11.2017, advising us of the proposals for:

Cranford, LLANSANTFFRAID, Powys, SY22 6AX

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. 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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

#### Seven Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

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

#### Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, , <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> select "Water and / or Sewer map request form" fill out the relevant details and fee payment and return to:

Severn Trent Water, Asset Data Management,  
GISmapping Team, PO Box 5344, Coventry, CV3 9FT  
Fax: 02477 715862  
e-mail: [GISmapping@severntrent.co.uk](mailto:GISmapping@severntrent.co.uk)

Any correspondence and diversion applications are to be submitted through New Connections, the relevant form can be found on the Severn Trent website at <https://www.stwater.co.uk/building-and-developing/other-developments/diversions/> Please click on download water diversion application form and complete the form as fully as possible.

Information on diversion application charges can be found <https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance> in "Our Charges" - Developer Charges 2015-2016 in Section 5.

Please attach all the relevant documentation and relevant fee and return the form to:

Severn Trent Water Ltd  
PO Box 5311  
Coventry  
CV3 9FL  
Telephone: 0800 707 6600  
Email: [new.connections@severntrent.co.uk](mailto:new.connections@severntrent.co.uk)

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

## Environmental Health

Foul drainage

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

Construction-phase noise

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

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

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

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

## Affordable Housing

Thank you for your correspondence regarding this application.

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

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

## Powys Ecologist

*Correspondence received 18<sup>th</sup> December 2017 –*

Ecological Topic		Observations
Comments on Additional Information		I previously provided comments on this application on 06/12/17. Since then, a Badger survey of the site and suitable habitat within 50m has been completed by Turnstone Ecology and the results summarised in an email dated 15/12/17. Additional comments regarding this are provided in bold type below, otherwise my previous comments remain valid.
EIA Screening Opinion needed?	No	The site area is understood to be 0.41 hectares and includes up to 9 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?	No	<b>These observations are based on an email dated 15/12/17 summarising the results of a Badger Survey by Turnstone Ecology, an interpretation of available aerial and street imagery, the submitted plans and planning statement and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</b>  The proposal appears to be located in the centre of an improved agricultural field used for

		grazing. Phase 1 of the development is immediately adjacent to the north and has been dealt with previously by planning application reference: P/2017/0363. There does not appear to be any requirement for additional hedgerow or other habitat removal as part of this application. The existing hedgerow and small trees that border the western corner are indicated as being retained on the proposed block plan (ref: RPP/TWJOB12/2-03A). A line of trees borders the site to the south on what appears to be a southerly-facing slope above a river. New hedgerow and tree planting is proposed around the boundary of the new development. Foul drainage would connect to the existing main sewer.
Protected Species & Habitats <sup>1</sup>	European Species	<input checked="" type="checkbox"/> <p>Historic records of European protected species from within 1km of the site are sparse, but there are records of unknown bat species (within 833m), myotis bat species and Soprano Pipistrelle (within 498m), Lesser Horseshoe bat (within 321m), Noctule bat (within 992m) and Otter (within 244m). There are Great Crested Newt records from just over 1km away.</p> <p>A mature tree located to the south of the site could provide suitable habitat for a bat roost, but would appear to be located outside of the development boundary. Due to its potential to provide bat roosting habitat this tree and its root structure, as well as the trees and their root structures within the western boundary hedgerow to be retained within the site, should be protected from damage in accordance with BS5837:2012.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the trees to the south-east of the site for foraging/roosting.</p> <p>There is very little hedgerow that could provide bat foraging and commuting habitat surrounding the site and none would be lost to the development. The site does not appear to be suitable for otter and adverse impacts on this species appear unlikely. The nearest pond appears to be located approximately 250m north-west, on the opposite side of the A495. In combination with the lack of apparent suitable habitat at the site, impacts on Great Crested Newt are considered</p>

		unlikely.
	UK Species	<p><input checked="" type="checkbox"/></p> <p>There are nine historic records of badgers within 1km of the site (closest within 154m) and records of nesting bird species from the vicinity of the site; the short length of boundary hedgerow and trees to the north-west offer potential nesting habitat for a variety of bird species.</p> <p>Vegetation clearance would appear to be minimal, if required at all. However, I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The site itself does not appear suitable to support badger setts, but the line of trees to the south could support setts and the south-eastern part of the proposals is located within 30m of these trees and there are historic records from the vicinity. As excavations associated with the proposals could affect badgers and their setts should they be present within 30m, I recommended that a survey for badgers be completed prior to determination of the application.</p> <p><b>A Badger Survey completed by Turnstone Ecology on 14/12/17 found no evidence of Badgers at the site. The open grassland that dominates the site was considered unlikely to be suitable for Badger setts but the field margins and in particular the steep wooded bank to the south of site were considered suitable locations for setts. The grassland and habitats adjacent to site were also considered suitable for foraging Badger.</b></p> <p><b>Although no evidence of Badger was found during the survey, it was concluded that there is suitable habitat for Badgers to dig setts within 30m of the proposed groundworks. It is therefore recommended by Turnstone Ecology that a repeat check of the site and suitable habitat within 30m for setts is completed prior to the start of works.</b></p>

		<b>Should a Badger sett be identified within the site's zone of influence a licence to interfere with a Badger sett during development work is likely to be required from NRW and associated mitigation/compensation measures provided, prior to commencement of works.</b>
	Section 7 Species & Habitats	<p><input checked="" type="checkbox"/></p> <p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>There are historic records of Hedgehogs within 838m and hedgerows are a Section 7 Priority Habitat. I understand that the short section present within the west of the site is to be retained. I therefore recommend that this hedgerow, along with the trees within it, is protected during the construction phase in accordance with BS5837:2012.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p>No other Section 7 Species or Habitats are considered likely to be adversely affected due to the nature of the application site.</p>
	LBAP Species & Habitats	<p><input checked="" type="checkbox"/></p> <p>See previous observations.</p>
Protected Sites	International Sites (within 1km)	<input type="checkbox"/> There are no international nature conservation sites within 1km.
	National Sites (within 1km)	<input type="checkbox"/> There are no national nature conservation sites within 1km.



	Local Sites (within 500m) <input type="checkbox"/>	There are no local nature conservation sites within 1km.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.
Recommendations		<p>A mature tree located to the south of the site could provide suitable habitat for a bat roost, but would appear to be located outside of the development boundary. Due to its potential to provide bat roosting habitat this tree and its root structure, as well as the trees and their root structures within the western boundary hedgerow to be retained within the site, should be protected from damage in accordance with BS5837:2012 during the works.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The proposed new hedgerow and tree planting around the site is welcomed as a biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p><b>A repeat check of the site and suitable habitat within 30m for Badger setts should be completed prior to the start of works. Should a Badger sett be identified within the site's zone of influence a licence to interfere with a Badger sett during development work is likely to be required from NRW and associated mitigation/compensation measures provided, prior to commencement of works.</b></p>

Further information required prior to determination of application	I am satisfied that sufficient information has now been provided to enable the application to be determined.
Recommended Conditions	<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p><b><i>A repeat check of the site and suitable habitat within 30m for Badger setts shall be completed by an appropriately-experienced ecologist prior to the commencement of works, and the recommendations of the ecologist followed if Badger setts are recorded within 30m of the site.</i></b></p> <p><b><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 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.</b></p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><b><u>Reason:</u> 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.</b></p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><b><u>Reason:</u> 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</b></p>

	<p>2016.</p> <p><i>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><b>Reason:</b> 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.</p> <p><b>Birds - Wildlife and Countryside Act 1981 (as amended)</b></p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> <li>• intentionally kill, injure or take any wild bird</li> <li>• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built</li> <li>• intentionally take or destroy the egg of any wild bird</li> <li>• 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.</li> </ul> <p>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.</p> <p>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.</p>
--	---

<b>Relevant UDP Policies</b>	<p>SP3 Natural, Historic and Built Heritage</p> <p>ENV 2: Safeguard the Landscape</p> <p>ENV 3: Safeguard Biodiversity and Natural Habitats</p> <p>ENV 6: Sites of Regional and Local Importance</p> <p>ENV 7: Protected Species</p>
------------------------------	--

## CADW

### Advice

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

### Our role

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

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

### National Policy

Applications for planning permission are considered in light of the Welsh Government's

land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

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

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

#### Assessment

The application area is located some 106m southeast of the boundary of scheduled monument MG216 Roman Supply Depot, Llansantffraid ym Mechain. The monument comprises a roughly oval embanked enclosure, approximately 80m north-west to south-east by at least 100m, set on ground falling to the south-east. Trenching in 1987-8, and resistivity survey, showed that the enclosure was defined by two ditches. Although it is suggested that the site may be a Roman Supply Depot, no Roman material was recovered during the excavations, and it is possible that this is a later prehistoric settlement enclosure.

The proposed development will be of 9 houses with some facing the A495 and some in a close behind. Views between the proposed development and the scheduled monument are blocked by existing buildings and vegetation. Consequently the proposed development will not have any impact on the setting of the scheduled monument.

#### Clwyd Powys Archaeological Trust

*Correspondence received 7<sup>th</sup> November 2017 –*

Thank you for the consultation relating to the above proposals.

Information retained within the Regional Historic Environment Record indicates that this application site lies within an area of potential archaeological sensitivity. The plot lies 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. 40 metres to the east there are some rectangular ditched enclosures recognized on 1984 aerial photography which remain undated, but could be related to the Roman military activity, or earlier field system

boundaries (PRN 3636 Bryn Vyrnwy Cropmarks). In addition the plot lies on a river terrace which would have been attractive to prehistoric seasonal and permanent activity and there may be unrecorded surface archaeology of this period here. A recent evaluation of the area immediately north of this site revealed a Bronze Age pit at the north end and there may be other Bronze Age activity in the new application area to the south.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government Planning Policy Wales (Edition 8, Jan 2016), Circular 60/96 - Archaeology and Planning (Dec 96) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached advisory information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work and a guidance note on commissioning archaeological works in our area.

Please contact me if you wish to discuss the above advice or require any more information.

*Correspondence received 8<sup>th</sup> January 2018 -*

Further to my email of 8/11/17 recommending a pre-determination archaeological evaluation I have now received an interim report. The final report will follow shortly after they have finished the investigation of 3 additional features as site works were delayed by the weather and the holidays. Combined with what I saw during my monitoring visits though it is possible to provide additional advice with a condition at this stage.

Four of the five trenches excavated have revealed significant remains of prehistoric period archaeology in this extension to the original development area applied for in application P/2017/0363. The remains include a Late Bronze Age burnt mound, which has been radiocarbon dated to 1211- 1020 BC, a large defended enclosure with a deep defensive ditch and additional stone, pit and linear features. All of these features will be directly impacted by the proposed residential development.

If the application proceeds we would recommend complete excavation of the prehistoric archaeology within a defined excavation area prior to the commencement of any development here. This will need to be completed by an archaeological contractor working in accordance with an approved written scheme of investigation.

I have attached a condition below which will allow this excavation to take place:

Suggested planning condition to facilitate a scheme of archaeological excavation as a condition of consent.

*No development shall take place within the defined area of the application boundary where important archaeological remains survive until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological excavation work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.*

*The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: [mark.walters@cpat.org.uk](mailto:mark.walters@cpat.org.uk) Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.*

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development

### **Public Response**

The proposed development has been advertised by site display and within the local press. At the time of writing this report, no public representations have been received by Development Management.

### **Planning History**

Adjacent site - P/2017/0363 - Outline - Erection of up to 9 dwellings (some matters reserved), formation of vehicular access and all associated works. Consent granted.

### **Principal Planning Constraints**

No known constraints.

### **Principal Planning Policies**

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)  
TAN 5 - Nature Conservation and Planning (2009)  
TAN 6 - Planning for Sustainable Rural Communities (2010)  
TAN 12 - Design (2016)  
TAN 18 - Transport (2007)  
TAN 20 - Planning and the Welsh Language (2013)  
TAN 23 – Economic Development (2014)  
TAN 24 – The Historic Environment (2017)

### Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy  
UDP SP5 - Housing Developments  
UDP GP1 - Development Control  
UDP GP3 - Design and Energy Conservation  
UDP GP4 - Highway and Parking Requirements  
UDP GP5 – Welsh Language and Culture  
UDP HP3 - Housing Land Availability  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP6 - Dwellings in the Open Countryside  
UDP DC10 - Mains Sewage Treatment  
UDP DC11 - Non-mains Sewage Treatment  
UDP DC13 - Surface Water Drainage  
UDP DC8 - Public Water Supply  
UDP DC9 - Protection of Water Resources  
UDP ENV1 - Agricultural Land  
UDP ENV2 - Safeguarding the Landscape  
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats  
UDP ENV7 - Protected Species  
UDP ENV11 - Development in Conservation Areas  
UDP ENV12 - Permitted Development in Conservation Areas  
UDP ENV13 - Demolition in Conservation Areas  
UDP ENV17 - Ancient Monuments and Archaeological Sites  
UDP ENV 18 – Development Proposals Affecting Archaeological Sites  
UDP TR2 – Tourist Attractions

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**

#### 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.

## Principle of Development

Outside of settlement boundaries, UDP Policy HP4 applies and states 'proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. Due consideration of this is given below.

## Loss of agricultural land

UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site has a split classification, comprising of a small area of grade 1 land, urban land and Moderate quality agricultural land (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Whilst Officers acknowledge that the site includes an area of high quality agricultural land, this represents a small proportion of the site and therefore given the wider classification of the application site, it is not considered that development on the proposed site would not result in the unacceptable loss of high grade agricultural land, compliant with UDP policy ENV1.

## Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study,*

*the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

Planning Policy Wales (PPW) confirms “sustainable development” to mean the process of improving the economic, social, environmental and cultural well-being of Wales, and that the planning system provides for a presumption in favour of sustainable development.

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Although located in the open countryside, the site adjoins the settlement development boundary of Llansantffraid ym Mechain (defined as a Key Settlement within the UDP). The settlement has a number of services including, shops, restaurants, petrol station, church and primary school. Development Management considers that future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services. Notwithstanding recent planning permissions, it is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

### Affordable Housing

the Affordable Housing Topic Paper indicates that a 20% affordable housing contribution within the Severn Valley sub-market area is acceptable. Therefore on this basis, Officers consider the proposed contribution of 2 dwellings to be acceptable.

### Appearance, Layout and Scale

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 9 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Residential Amenity



UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is bounded by agricultural fields to the east, south and west. Located to the north is a neighbouring development site (P/2017/0363) which benefits from outline planning permission for 9 dwellings (referred to as phase 1).

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbouring amenity however a condition restricting the hours of construction and site activity has been recommended. Should Members be minded to permit the proposed development, it is recommended that the said condition be attached to any consent granted.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

#### Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed scheme will utilise the improved access off the A495, approved under planning application P/2017/0363.

Powys Highways were consulted on the application and offered no objection to the proposed development subject to conditions being attached to any grant of consent. Transport Wales has also responded to their consultation confirming no objection to the proposal.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

#### Archaeology

The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application. Where nationally important archaeological remains and their setting are likely to be affected by proposed development, there should be a

presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

Information retained within the Regional Historic Environment Record indicates that the application site lies within an area of potential archaeological sensitivity. The plot lies 100 metres south east of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy. 40 metres to the east there are some rectangular ditched enclosures recognized on 1984 aerial photography which remain undated, but could be related to the Roman military activity, or earlier field system boundaries (PRN 3636 Bryn Vyrnwy Cropmarks). In addition the plot lies on a river terrace which would have been attractive to prehistoric seasonal and permanent activity and there may be unrecorded surface archaeology of this period here. A recent evaluation of the area immediately north of this site revealed a Bronze Age pit at the north end and there may be other Bronze Age activity in the new application area to the south.

In responding to their consultation, Clwyd Powys Archaeological Trust (CPAT) confirmed that the proposed development will disturb any such remains surviving on the site however, in the absence of an appropriate evaluation, the extent of damage was unknown. In light of the comments received and in order to comply with UDP policy ENV18, an Interim Evaluation was undertaken and a report submitted for consideration.

The report confirmed that four of the five trenches excavated revealed significant remains of prehistoric period archaeology. The remains include a Late Bronze Age burnt mound, which has been radiocarbon dated to 1211- 1020 BC, a large defended enclosure with a deep defensive ditch and additional stone, pit and linear features. It is understood that all of these features will be directly impacted by the proposed residential development.

UDP policy ENV18 confirms that where preservation in-situ is not possible but the merits of the proposal mean that development should proceed, suitable conditions will be imposed to ensure appropriate archaeological mitigation. In this instance, CPAT have recommended that a condition be attached to any grant of consent requiring complete excavation of the prehistoric archaeology within a defined excavation area prior to the commencement of any development. Subject to the inclusion of the recommended condition and in accordance with the consultee advice secured, Officers are satisfied that the archaeological remains can be appropriately preserved and therefore the proposal is considered to be in accordance with planning policy.

### Drainage

Policy DC10 of the Powys UDP highlights that where adequate public foul sewerage and sewage treatment capacity is available, it is essential that new development should connect to those systems. The application indicates that the proposed development will be connected to the public sewerage system.

Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewerage and sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of

the development. Severn Trent Water has advised that a condition should be attached to any consent granted requiring details of the foul drainage to be submitted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10. Subject to the above, Officers are satisfied that the proposal is in accordance with planning policy.

### Open Space Provision

UDP policy RL2 indicates that housing development proposals should include provision for safe and accessible outdoor playing and recreation areas. In developments of 10 or more houses (including phased developments) capable of accommodating families with children, a planning obligation will be sought to ensure provision by the developer of outdoor playing space and facilities appropriate to the scale of the development in line with the NPFA standards.

Whilst the proposed number of dwellings does not exceed 10 units, the scheme forms the second phase of a larger development comprising of 18 dwellings. In light of the above, an area of open space has been provided within the southern area of the site which will serve both phase 1 and phase 2. Should Members be minded to grant consent, it is recommended that the implementation and maintenance of the open space provision be controlled by an appropriate legal agreement. Subject to the above, Officers consider the proposal to be compliant with UDP policy RL2.

### 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Llansantffraid is not identified as one of these areas, it is considered that the Welsh Language is a material consideration across the County.

Members are advised that the 2011 census, reported a decline in the percentage of Welsh speakers within the Llansantffraid Ward. Given the scale of the proposed development, it is not considered that the proposal will have a detrimental impact on the cultural or linguistic vitality of the area.

### 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.

#### 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 the proposed development represents a departure from the development plan, the Council's current lack of housing land supply carries considerable 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 consent subject to the conditions detailed below and appropriate legal agreement securing the provision and implementation of open space.

Conditions:

1. Details of the 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 xxxx in so far as the extent of the application site is drawn and the access point onto the C2106 highway (drawing no: RPP/TW/JOB12-2.03 Rev B).

5. 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 20% affordable dwellings;*
- 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*

6. The affordable dwelling 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.

7. Any entrance gates to the field access to the east 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 development hereby permitted remains in existence.

8. Prior to the occupation of any dwellings any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

9. 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 a south westerly direction and 115 metres in a north easterly 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.

10. 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.
11. Prior to the occupation of any of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
12. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain 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 10 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
15. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
16. No building shall be occupied before the estate road carriageway and one footway shall be 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.
17. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
18. Surface levels of the estate road are to fall away from the carriageway of the county highway at a minimum gradient of 1 in 30 for a distance of 10 metres from the edge of the adjoining class I highway and shall be retained at this gradient for as long as the development hereby permitted remains in existence.
19. Upon formation of the visibility splays as detailed in 9 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.

20. 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.

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

22. Prior to the commencement of the development full engineering drawings for the construction of the new footway and widening of the existing footway to 2 metres along the A495 and associated drainage to include detailed cross sections through the structure and the adjacent highway shall be submitted and approved in writing by the Local Planning Authority. The works hereby approved shall be fully completed to the written satisfaction of the Local Planning Authority prior to the occupation of any dwelling.

23. No development shall take place within the defined area of the application boundary where important archaeological remains survive until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological excavation work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The archaeological programme of work shall be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: [mark.walters@cpat.org.uk](mailto:mark.walters@cpat.org.uk) Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

24. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

## **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 order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
8. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
9. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
10. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
11. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
12. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
13. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
14. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
15. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
16. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
17. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
18. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
19. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
20. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
21. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
22. In the interest of highways safety in accordance with Policy GP4 of the Powys UDP.
23. To secure preservation by record of all archaeological remains which will be impacted by the development in accordance with policies SP3, ENV17 and ENV18 of the Powys UDP (2010), Technical Advice Note 24 (2017) and Planning Policy Wales (2016).
24. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

## **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.

### **Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)**

It is an offence for any person to:



- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

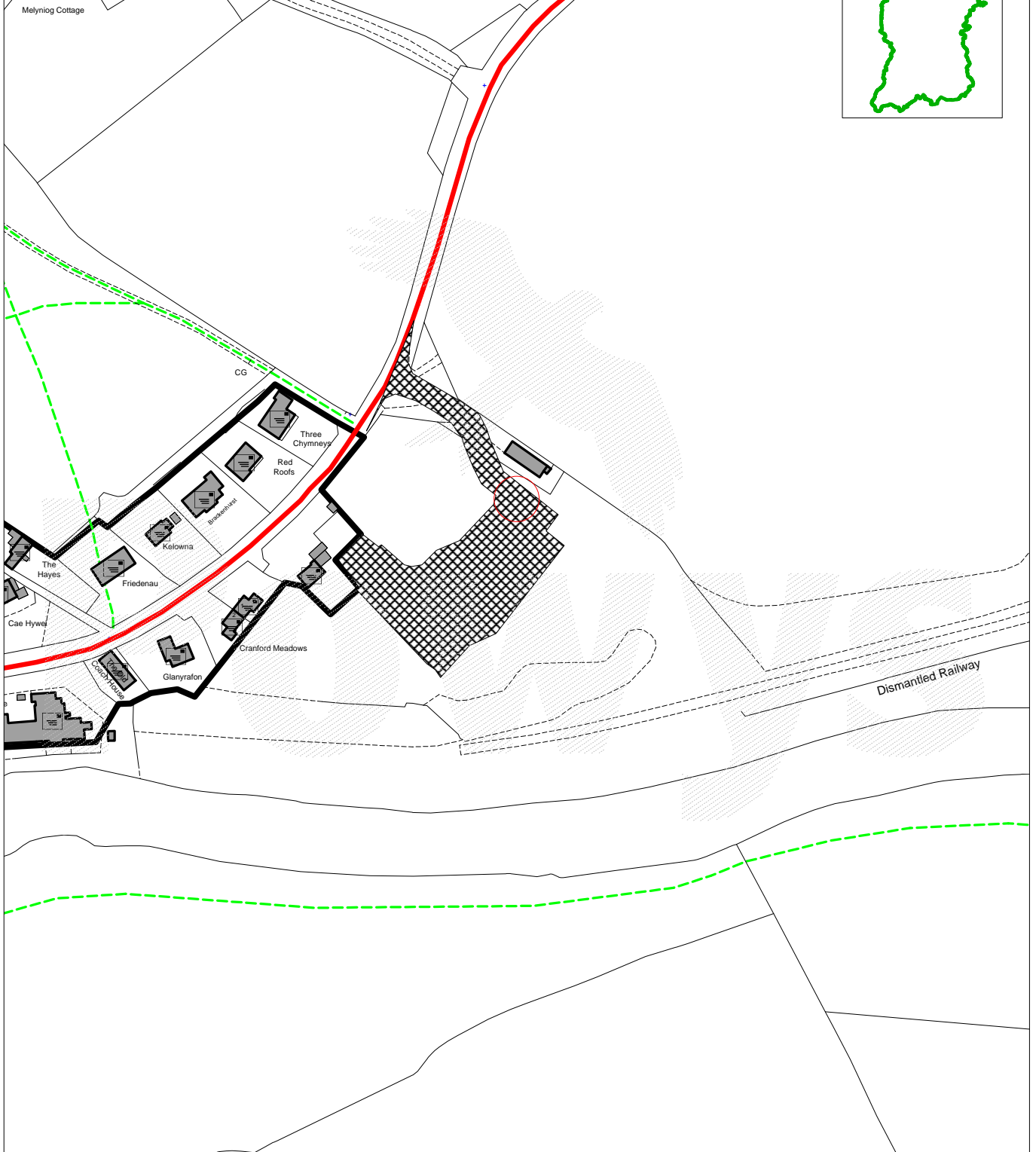
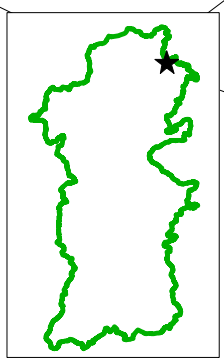
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

---

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer  
Tel: 01938 551231 E-mail: [edin@powys.gov.uk](mailto:edin@powys.gov.uk)

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
Additional information © Environment Agency 2018  
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
© Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
© Crown copyright and database rights 2018 Ordnance Survey 100021242  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.10

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

<b>Application No:</b>	P/2017/0974	<b>Grid Ref:</b>	323834.99 317097.54
<b>Community Council:</b>	Llandrinio	<b>Valid Date:</b>	<b>Officer:</b> 25/08/2017 Eddie Hrustanovic
<b>Applicant:</b>	Mr G Jones, Haulfryn, Deytheur, Llansantffraid, Powys, SY22 6TF.		
<b>Location:</b>	Land adjoining Cilfach Glyd, Deytheur, Llansantffraid, Powys, SY22 6TF.		
<b>Proposal:</b>	Outline: Erection of one detached private dwelling with all associated works (some matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The proposed development constitutes a departure from the development plan.

### Site Location and Description

The site subject to this application is located within the rural settlement of Deuddwr, approximately 2.9 miles south of Llansantfraidd Ym Mechain and 3.3 miles south west of Four Crosses. The application site is bounded by agricultural land to the north and east. Located to the south is the county highway and to the west existing residential properties.

Outline planning permission is sought in respect of the erection of a single dwelling and all associated works. Whilst approval of access is sought, matters relating to appearance, landscaping, layout and scale are reserved for future consideration.

Members are advised that the application originally proposed the erection of 3 dwellings however the proposal was subsequently amended and the scale of development reduced to 1 dwelling. A period of re-consultation was undertaken on this basis.

### Consultee Response

#### Llandrinio Community Council

*Correspondence received 23<sup>rd</sup> September 2017 –*

The Community Council held a site meeting at the above property on Friday 22<sup>nd</sup> September. They wish to OBJECT to the above development for the following reasons:-

#### 1. Contrary to Policy GP1 Outside the development boundary

Councillors feel it is still important to adhere to the principles embodied in the Development Plan and that this development should not be allowed on a greenfield site. Deytheur is a very small hamlet which already has properties for sale within it.

## 2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations and this development should not be permitted as it is not sustainable. Development needs to be focused in the key villages of Arddleen or Llandrinio.

## 3. Policy GP 4 – Highway & parking requirements

The access to this development is on a busy narrow lane with limited visibility.

## 4. Policy DC9 – Protection of Water Resources

The proposals will have a detrimental impact on the existing springs in the neighbouring field.

I would be grateful for confirmation that this application will be dealt with at the Planning Committee as the Community Council request the right to speak.

*Correspondence received 13<sup>th</sup> December 2017 –*

The Community Council wish to maintain their objection to development which is outside the settlement boundary.

They wish to OBJECT to the above development for the following reasons;-

### 1. Contrary to Policy GP1 Outside the development boundary

Councillors feel it is still important to adhere to the principles embodied in the Development Plan and that this development should not be allowed on a greenfield site. Deytheur is a very small hamlet which already has properties for sale within it.

### 2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations and this development should not be permitted as it is not sustainable. Development needs to be focused in the key villages of Arddleen or Llandrinio.

### 3. Policy GP 4 – Highway & parking requirements

The access to this development is on a busy narrow lane with limited visibility.

### 4. Policy DC9 – Protection of Water Resources

The proposals will have a detrimental impact on the existing springs in the neighbouring field.

Highway Authority

*Correspondence received 18<sup>th</sup> December 2017 –*

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

Wish the following recommendations/Observations be applied  
Recommendations/Observations

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 4.1 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.

HC13 Prior to the occupation of the dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

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,

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC29 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.

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.

HC37 Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

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

Powys Building Control

Building Regulations approval required.

Wales & West Utilities



According to our mains records Wales and West Utilities has no apparatus in the area of your enquiry. However, Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

### Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

### Powys Ecologist

Correspondence received 25<sup>th</sup> September 2017 –

Thank you for consulting me with regards to planning application P/2017/0974 which concerns the outline application for erection of three detached private dwellings with all associated works (some matters reserved) on Land adjoining Cilfach Glyd Deytheur Llansantffraid.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 61 records of protected and priority species within 500m of the proposed development – no records were for the site itself. A number of the records were for great crest newts.

There are no statutory or non-statutory sites within 500m of the proposed development.

It has been noted that a number of ponds are located within the area. A pond located approximately 310m west of the proposed development site which has records of great crest newts. Another pond being approximately 750m south east of the proposed development site. Given the proposed development will involve alterations to the surrounding habitat (i.e removal of section of hedgerow) consideration has been given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts – European protected species.

Having reviewed information available in form of streetview and aerial images the habitat present at the site of the proposed development offers negligible suitable opportunities for Great Crested Newt terrestrial habitat. Given the unfavourable habitat of the proposed

development site for great crested newts, it is considered that the proposed development would not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

It appears that a 5.5m section of hedgerow is proposed to be removed for the proposed new access. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principle should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Given the proximity of the proposed development works to trees and hedgerows of the proposed development site, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

Careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

*Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

*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 unless otherwise agreed in writing with the LPA.*

Reason: 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.

*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.*

Reason: 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.

In this instance should you be minded to approve the application I consider it would be appropriate to include an informative advising the applicants of the legal status of great crested newts and what actions to take in the unlikely event a great crested newts is encountered during the development works. Suitable wording for an informative covering these details is as follows:

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt 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 a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

*Correspondence received 8<sup>th</sup> December 2017 –*

Thank you for re-consulting me with additional information submitted with regards to planning application P/2017/0974.

Having reviewed the additional information and revised plans it is considered that my previous response submitted 25<sup>th</sup> September 2017 remains valid.

#### Environmental Health

*Correspondence received 11<sup>th</sup> September 2017 –*

It is important to establish, even for outline applications, that the ground conditions at the site are going to be suitable for the type of foul drainage system being proposed. Therefore, please can the applicant/agent submit percolation test results in order to demonstrate that the ground conditions are suitable for a foul drainage field, and determine the area of land required to accommodate it? The tests should be carried out in accordance with the methodology in document H2 of the Building Regulations.

*Correspondence received 30<sup>th</sup> November 2017 –*

The plan has been amended so that the foul drainage will now utilise a package sewage treatment plant with a discharge to watercourse. Environmental Protection has no objection to this application, subject to consent/exemption from Natural Resources Wales for the effluent discharge.

#### Councillor Lucy Roberts – Local Member

As local member for Llandrinio Ward in which this site is located I have been contacted by a number of residents with concerns about this application.

The hamlet of Deytheur is a small hamlet of only about 15 properties which are built in a linear configuration along a narrow single track road. The majority of the hamlet lies within the LLansantffraid Ward with only the southernmost property, which is located next to the proposed site, falling within Llandrinio. There are other dispersed properties on the surrounding network of lanes.

The supporting planning statement makes much of the proximity to Llansantffraid Village which it states is 2.7 miles away and supports a small number of shops, a primary school, garage, pubs and takeaways; however the roads to the village are very narrow and there are no bus services. I am informed that the residents of Deytheur actually tend to gravitate

towards either Arddleen where they have attended primary school but which has no other facilities other than a pub, or Llandrinio /Four Crosses which between them have a primary school, shops, garages, takeaway and pubs and through which they are more likely to travel. Both Arddleen and Four Crosses are 2.5 miles from Deytheur. There are no buses on either of these routes and depending on the route used also involves some very narrow single track roads. It is most unlikely that this development will help to improve the sustainability of Llansantffraid village and Arddleen and FourCrosses/Llandrinio already have planning permission for a significant number of additional properties with more applications currently awaiting decision. The doctors surgery which serves this area is already struggling with inadequate facilities and staffing for the number of patients it has to serve. There are no services within reasonable walking distance of the site except for Penrhos Church.

Although access to the site is not too bad there is a very dangerous junction in Deytheur and any increases in traffic will increase the risk of an accident.

The site itself is a grass field which slopes gently away from the road and I am told contains springs which might become contaminated by outflow from proposed septic tanks. Referral to aerial photos will show that although on the edge of the hamlet this is very much a 'green field site', with the feel of open countryside. I attach a photo taken from the road onto the site. A development of this nature would be completely out of character with the rest of the hamlet which are all individual properties with their own access and generally screened to some extent from the road. Several are bungalows and most sit quite low in the landscape.

The third house, although described as 'affordable' would, as a three bedroomed detached house with a garage be well beyond the reach of most first time buyers and would not therefore provide the step onto the housing ladder that might be welcomed locally.

Properties in this location are unlikely to be able to access fibre broadband in the foreseeable future, something I have been researching for neighbouring properties. This may affect the saleability of these properties if built. I am told that there are properties in the hamlet which have been on the market for some considerable time.

## **Representations**

The proposed development has been advertised by site display and within the local press. At the time of writing this report 3 public representations have been received by Development Management. The concerns expressed therein can be summarised as follows;

- Development on greenfield land;
- Impact on highway safety – increased use of substandard highway network;
- Site approached from a blind bend;
- No local need – properties within the locality remain on the market;
- Lack of services;
- Affordability of the affordable unit;
- Inadequate drainage

## **Planning History**

No relevant planning history.

## **Principal Planning Constraints**

No known planning constraints.

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)  
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) 20 – Planning and the Welsh Language (2013)  
Technical Advice Note (TAN) 23 – Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

### Local Policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy  
SP5 – Housing Developments  
SP6 – Development and Transport  
GP1 – Development Control  
GP2 – Planning Obligations  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
HP3 – Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP5 – Residential Development  
HP6 – Dwellings in the Open Countryside  
HP9 – Affordable Housing in Rural Settlements  
DC3 – External Lighting  
DC11 – Non-mains Sewage Treatment  
DC13 – Surface Water Drainage

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

### 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.

### Principle of Development

The application site lies outside of the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

### Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant

national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

Planning Policy Wales (PPW) confirms “sustainable development” to mean the process of improving the economic, social, environmental and cultural well-being of Wales, and that the planning system provides for a presumption in favour of sustainable development.

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Deuddwr is a rural settlement located approximately 2.9 miles south of Llansantfraid Ym Mechain and 3.3 miles south west of Four Crosses, both of which are identified as key settlements within the Powys UDP. Services within the respective settlements include primary education, recreation ground, Doctor’s surgery, shops and public houses. Further public services and facilities are available within Welshpool which is located approximately 9 metres to the north.

In light of the range of services located within a short travelling distance of the development site, Officers consider that there is an argument to support the principle of residential development at this location given its siting within an existing rural settlement. Therefore, the proposed site is considered to be a sustainable location for residential development of a single dwelling.

### Loss of agricultural land

UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site is classified as ‘Moderate quality agricultural land’ (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Given the classification of the application site, it is not considered that development on the proposed site would not result in the loss of high grade agricultural land, compliant with UDP policy ENV1.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst matters relating to scale, appearance, layout and landscaping are reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the proposed single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.



## Highway Safety and Access

UDP policy GP4 confirms that permission for development will be dependent on adequate provision for highway access including visibility, turning, passing and parking. Access to the proposed site of development will be provided via a new access off the county highway (C2034) whilst turning and parking provision will be provided within the application site boundary. Following discussions with the Highway Authority, the proposal further includes the construction of an additional passing bay, the location of which will be agreed by condition in the event that planning permission is granted.

Officers acknowledge that concern regarding the standard of the existing highway network and increase traffic movements have been expressed within third party representations received. Notwithstanding the above, in light of the Highway Authority comments received, it is not considered that sufficient weight can be given to these concerns to justify a refusal on highway safety grounds.

In light of the comments received and subject to appropriate conditions being attached to an grant of consent, Officers are satisfied that an adequate access to the site can be provided, compliant with UDP policy GP4.

## Drainage

UDP policy DC11 indicates that where it is not feasible for development proposals to connect to the public foul sewerage system, permission will be granted for the provision and use of private treatment plants providing that the ground conditions, in terms of drainage and porosity are suitable and will not give rise to pollution or amenity problems.

The scheme as amended, proposes the installation of a private treatment plant and discharge to a watercourse. Following re-consultation, Environmental Health has confirmed that the proposed means of sewage disposal is considered to be acceptable subject to the appropriate consent being obtained from Natural Resources Wales.

In light of the above and notwithstanding the concerns expressed by local residents, Officers consider that adequate provision has been made for the disposal of foul waste. As such, the proposal is considered to be in accordance with UDP policy DC11 as above.

## 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst neither Llansantffraid Ym Mechain or Deuddwr are identified as one of these areas, it is considered that the Welsh Language is a material consideration across the County.

Members are advised that the 2011 census, reported a decline in the percentage of Welsh speakers within the Llandrinio Ward. Given the scale of the proposed development, it is not

considered that the proposal will have a detrimental impact on the cultural or linguistic vitality of the area.

### 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.

### 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 the proposed development represents a departure from the development plan, the Council's current lack of housing land supply carries considerable 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 consent subject to the conditions detailed below;

Conditions:

1. Details of the 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 XXXXXX (drawing no: RPP33.1.3.01 Rev B, RPP33.1.3.02 Rev B, RPP33.1.3.03 Rev B & RPP33.1.3.04 Rev B)
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.

10. 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.
11. 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.
12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 4.1 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.
13. Prior to the occupation of the dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
14. 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,
15. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.
16. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.
17. 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.
18. Upon formation of the visibility splays as detailed in condition 8 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
19. No storm water drainage from the site shall be allowed to discharge onto the county highway.
20. Prior to any works being commenced on the development site, the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning

Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

21. Prior to the first installation of any external lighting, a detailed lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the lighting design scheme as approved.

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. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
6. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
7. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
8. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
9. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
10. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)

11. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
12. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
13. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
14. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
15. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
16. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
17. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
18. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
19. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)

20. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
21. In order to safeguard protected species in accordance with policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (2016).

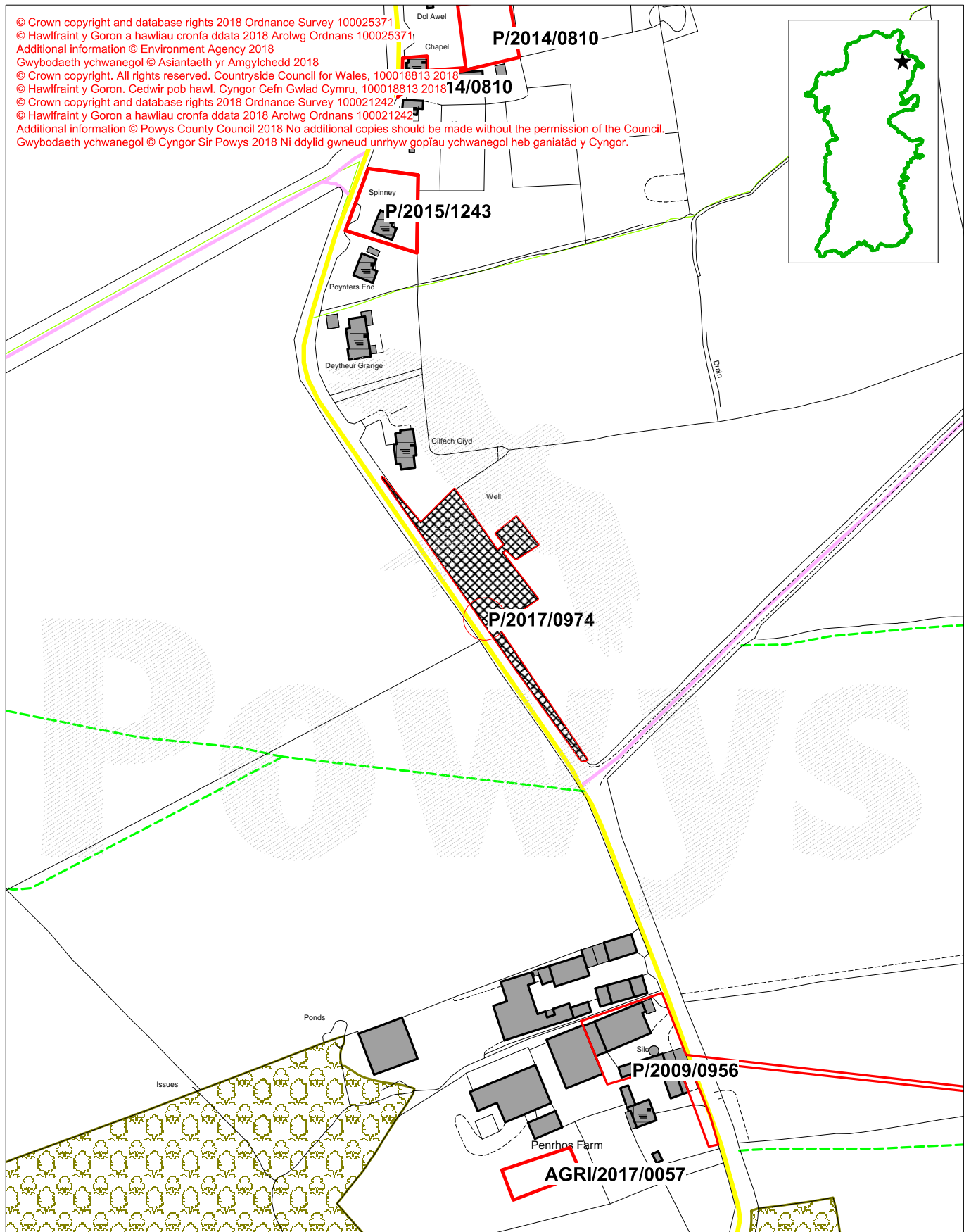
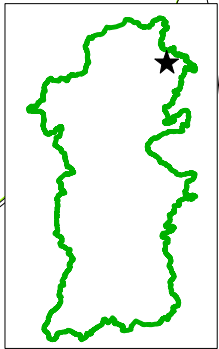
---

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer  
Tel: 01938 551231 E-mail:edin@powys.gov.uk

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



© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.11

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

<b>Application No:</b>	P/2017/1190	<b>Grid Ref:</b>	327661.13, 311493.26
<b>Community Council:</b>	Trewern	<b>Valid Date:</b>	<b>Officer:</b> 13/10/2017 Bryn Pryce
<b>Applicant:</b>	Mr Chapman Fronhaul, Trewern, Welshpool Powys SY21 8DU		
<b>Location:</b>	Gate Farm, Criggion Lane, Trewern Welshpool Powys SY21 8DU		
<b>Proposal:</b>	Outline: Residential Development of up to 5 dwellings, formation of vehicular access and associated works (Some matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

### Site Location and Description

This site is located off the C2039 classified highway adjacent to the settlement boundary of the Key Settlement of Trewern. The existing site is laid to grass used for the purpose of agricultural grazing. The site is bound by the highway to the south, agricultural land to the north and north west and residential dwellings to the south east.

This application seeks outline consent for up to 5 dwellings or formation of vehicular access and associated works. The application considers the principle of residential development on the site and access to it with all other matters reserved for future consideration. An indicative layout for the site and indicative scale has been provided with the application. The site is located directly adjacent to the settlement boundary of Trewern.

### Consultee Response

#### Trewern CC

*Correspondence received 21<sup>st</sup> November 2017*

Trewern Community Council considered this application at its meeting on 21 November 2017. We consider that this application should be refused. There are already approved sites for 25 houses in Trewern and this is in addition to the site allocated for residential development in the LDC. We do not consider that there is adequate infrastructure in the area to sustain any further development.

The application site is on a lane (Criggion Lane), where 10 new houses have already been approved. This is a narrow winding lane which is inadequate in terms of pavements and lighting and presents real dangers to pedestrians and motorists. The access from Criggion

Lane onto the trunk road falls well short of current standards .Further housing would exacerbate the existing problems.

### Powys Highways

*Correspondence received 24<sup>th</sup> November 2017*

The County Council as Highway Authority for the County Class III Highway, C2039

### **Wish the following recommendations/Observations be applied Recommendations/Observations**

This application should be deferred.

### **Reasons for Deferral**

The proposed footway link requires some minor amendments, as such the Highway Authority request that a revised drawing are submitted for consideration. The applicant's agent has been informed of this request.

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

*Correspondence received 17<sup>th</sup> January 2017*

The County Council as Highway Authority for the County Class III Highway, C2039

### **Wish the following recommendations/Observations be applied Recommendations/Observations**

With reference to the planning application relating to the following proposed development:

1. Prior to any other works commencing on the development site, detailed engineering drawings for a footway and street lighting along the Class III C2039 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
2. 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.
3. Prior to any works being commenced on the site a scheme for the introduction of a 30mph speed restriction, along C2039 and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority
4. Any entrance gates shall be set back at least 10 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.

5. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
6. The centre line of the first 10 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.
7. Prior to 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.
8. Prior to from 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. 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.
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 0.4 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.
11. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 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.

12. Prior to the occupation of any dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
13. 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
14. Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
15. 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.
16. Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway.

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

*Correspondence received 26<sup>th</sup> January 2018*

The County Council as Highway Authority for the County Class III Highway, C2039

**Wish the following recommendations/Observations be applied**  
**Recommendations/Observations**

Prior to any other works commencing on the development site, detailed engineering drawings for a footway and a minimum of five street lights along the Class III C2039 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.

Prior to any works being commenced on the site a scheme for the introduction of a 30mph speed restriction, along C2039 and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority

- HC1 Any entrance gates shall be set back at least 10 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 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- HC3 The centre line of the first 10 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 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 from 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- HC11 Prior to the commencement of 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 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC13 Prior to the occupation of any dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
- HC21 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
- HC22 Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
- HC29 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.
- HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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.

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

#### Powys Building Control

*Correspondence received 23<sup>rd</sup> October 2017*

Building Regulations application required.

#### Wales and West Utilities

*Correspondence received 23<sup>rd</sup> October 2017*

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.



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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

### Severn Trent

*Correspondence received 27<sup>th</sup> October 2017*

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

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

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

### Powys Environmental Health

*Correspondence received 25<sup>th</sup> October 2017*

Re: Residential Development of up to 5 dwellings, formation of vehicular access and associated works (Some matters reserved).

## **Foul drainage**

Environmental Protection has no objection to the proposal to connect to the Severn Trent Water mains sewer.

## **Construction-phase noise impact**

Due to the residential nature of the setting, Environmental Protection recommends that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

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

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

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

## Powys Affordable Housing

*Correspondence received 10<sup>th</sup> November 2017*

Thank you for your correspondence regarding this application.

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

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

Tudalen 247

Ecological Topic		Observations
EIA Screening Opinion needed?	No	Powys County Council have confirmed that a screening opinion is not required for this proposal in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.
Ecological Information included with application?	No	<p>No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposals involve the construction of up to 5 new dwellings on improved agricultural land, which appears to currently be used as a horse paddock. The proposed site is located on the northern side of a minor road on the outskirts of Trewern. A well-managed hedgerow forms the southern and eastern boundary of the site. The southern hedgerow would be removed to facilitate the proposed access and necessary sightlines, while the eastern hedgerow would remain in situ. Foul water would discharge into the existing mains facility.</p>
Protected Species & Habitats <sup>1</sup>	European Species <input checked="" type="checkbox"/>	<p>Within approximately 1km of the site there are historic records of unknown bat species (within 505m), Otter (within 1047m), Natterer's bat (within 759m), Brown Long-eared bat (within 242m), pipistrelle bat species (within 280m) and Lesser Horseshoe bat (within 759m).</p> <p>There do not appear to be any potential bat roosting sites which would be lost to the proposals, and the field of the proposal appears to be of limited value for foraging bats. However, the hedgerow along the southern boundary of the site, which would be removed and replanted to</p>

<sup>1</sup> Species records within 1km (minimum).

		<p>accommodate the access into the site, offers suitable foraging and commuting habitat for a range of bat species. It is recommended that the existing hedgerow is repositioned along the proposed southern site boundary to prevent the permanent loss of this linear feature. Suitable mitigation should be shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Should new lighting be required I recommend that a sensitive lighting plan is implemented in order to minimise the impact of new lighting on bats and any other nocturnal wildlife that may use the surrounding hedgerows.</p> <p>I recommend that the eastern boundary hedgerow, which is to be retained within the new development, is protected during the works in accordance with BS5837:2012.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>In addition to the species identified above, within 1km of the site there are historic records of Badger (within 446m) and various nesting birds including House Sparrow and Starling (within 96m). Barn Owl have also been recorded nesting within the vicinity.</p> <p>The proposals would require the removal of the southern boundary hedgerow. I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The hedgerow that borders the site to the south could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access and associated sightlines. Suitable mitigation should also be provided to offset any losses of reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>The current field site does not appear to offer optimum foraging or resting habitat for badgers, or nesting habitat for Barn owls.</p>

	<p>Section 7 Species &amp; Habitats</p>	<p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>It would seem likely that the proposals would require the removal of the southern boundary hedgerow. Hedgerows are a Section 7 Priority Habitat. It is recommended that the existing hedgerow is repositioned along the proposed southern site boundary to prevent the permanent loss of this linear feature. Suitable mitigation should be shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>In addition to the species identified above, within 1km of the site there are historic records of hedgehog (within 288m), hare (within 128m) and polecat (within 586), which are Section 7 priority species. The southern hedgerow that would be removed could provide suitable shelter and foraging habitat for these species. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider these species and other small animals.</p> <p>As enhancement measures it is recommended that a variety of bird and bat boxes are fixed to the proposed dwellings or garage buildings.</p> <p>The proposals to plant new boundary hedgerows and trees to the north, south and west are welcomed. The planting mix should comprise native, locally-occurring species and the species should be agreed with the LPA in advance of the works commencing.</p> <p>The retained hedgerow to the east of the site should be protected during the works in accordance with BS5837:2012.</p>

	LBAP Species & Habitats <input checked="" type="checkbox"/>	In addition to the species identified above there are historic records of Weasel (within 446m). Weasels are an LBAP species that could be present within the southern hedgerow. Recommendations have been made for reasonable avoidance measures to be applied for small animals that may be present in the hedgerow during site clearance.
<b>Protected Sites</b>	International Sites (within 1km) <input type="checkbox"/>	There are no international nature conservation sites within the search area.
	National Sites (within 1km) <input type="checkbox"/>	The Moel y Golfa SSSI is located approximately 400m to the north-east. Considering the nature, scale and location of the proposals no adverse effects upon the SSSI appear likely.
	Local Sites (within 500m) <input type="checkbox"/>	There are no local nature conservation sites within the search area.
<b>Invasive Non-Native Species</b>	<b>Unknown</b>	No ecological information has been submitted with the proposed application.
<b>Recommendations</b>		<p>It is recommended that the existing southern site boundary hedgerow is repositioned along the proposed new southern site boundary to prevent the permanent loss of this linear feature. Suitable mitigation should be shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Should new lighting be required I recommend that a sensitive lighting plan is implemented in order to minimise the impact of new lighting on bats and any other nocturnal wildlife that may use the surrounding hedgerows.</p> <p>I recommend that the eastern boundary hedgerow, which is to be retained within the new development, is protected during the works in accordance with BS5837:2012.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to</p>

	<p>proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and small animals during any vegetation clearance required to facilitate the proposed access and associated sightlines. Suitable mitigation should also be provided to offset any losses of reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>As enhancement measures it is recommended that a variety of bird and bat boxes are fixed to the proposed dwellings or garage buildings.</p> <p>The planting mix for the new hedgerows should comprise native, locally-occurring species and the species should be agreed with the LPA in advance of the works commencing.</p>
<p><b>Further information required prior to determination of application</b></p>	<p>I consider that sufficient information has been provided to determine the ecological effects of the proposals.</p>
<p><b>Recommended Conditions</b></p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting, to include position of the relocated hedgerow, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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.</p>

	<p><i>Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan to include details of the bird nest and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> 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.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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</p>
--	--



	<p>2016.</p> <p><b>Informatives</b></p> <p><b>Birds - Wildlife and Countryside Act 1981 (as amended)</b></p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"><li>• intentionally kill, injure or take any wild bird</li><li>• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built</li><li>• intentionally take or destroy the egg of any wild bird</li><li>• 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.</li></ul> <p>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.</p> <p>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.</p> <p><b>Reptiles - Wildlife &amp; Countryside Act 1981 (as amended)</b></p> <p>All UK native reptile species are protected by law. The Wildlife &amp; Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p>
--	--

	All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
<b>Relevant UDP Policies</b>	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species

## **Representations**

A public site notice was displayed at the site for a period of 21 days. No third party representations have been received by Development Management at the time of writing this report.

## **Principal Planning Constraints**

Class 3 Road  
C2039

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (9<sup>th</sup> edition, 2016)  
Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)  
Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009)  
Technical Advice Note (TAN) 12: Design (2016)  
Technical Advice Note (TAN) 18: Transport (2007)  
Technical Advice Note (TAN) 23: Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

### Local planning policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy  
SP3 – Natural, Historic and Built Heritage  
SP4 – Economic and Employment Developments  
SP5 – Housing Developments  
SP6 – Development and Transport  
SP12 – Energy Conservation and Generation  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highways and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
HP3 - Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Development  
HP6 - Dwellings in the Open Countryside  
HP9 - Affordable Housing in Rural Settlements  
HP14 – Sustainable Housing  
DC1 – Access by Disabled Persons  
DC3 – External Lighting  
DC11 – Non-mains Sewage Treatment  
DC13 – Surface Water Drainage

TR2: Tourist Attractions and Development Areas

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

## **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.

### Principle of Development

This application site lies adjacent to the settlement of Trewern which is classified in the Powys Unitary Development Plan 2010 as a key settlement. The site is accessed via a new access proposed off the C2039 classified highway. The proposal is for up to five dwellings of which four are to be open market and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

### Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

*'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.*

### Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore, PPW states that in rural areas, housing should be located where it will

enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided. In line with PPW, residential development outside of settlement boundaries are considered in terms of the site's proximity to services and facilities likely to be required for residential use, and whether the site is suitably connected to these services and facilities.

Trewern is defined in the UDP as a Key Settlement with two allocated sites (M195 – HA1 and M195 – HA2) which have been completed. The settlement itself has a chapel, primary school, community centre, playground, recycling centre and public transport links. Trewern is located approximately 4.6 miles driving distance north east of the area centre of Welshpool which has a wide range of key services and facilities. Welshpool is readily accessible via public transport from bus stops a short walking distance from the site. The proposed location is considered to be sustainable for the scale of development proposed.

Officers consider that in this case the proposed site is considered to be a sustainable location for five dwellings with access to a range of services and facilities that is well associated with the existing built up settlement form. In light of the above, officers consider that the key settlement is considered to be a sustainable location for a development of the proposed scale.

#### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The indicative layout for the site shows four open market dwellings and a single affordable to provided. The design and access statement indicates that the dwelling will be between 8-15 metres in length and 6-12 metres in width. The height to the ridge will vary but will range from between 5.5 metres to 7.5 metres.

No indicative details of design of the dwelling are given at this stage but it is a matter to be considered at any future reserved matters application stage. The design and access statement or planning application form doesn't give any information in terms of proposed materials at this stage.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating five dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5 of the Powys Unitary Development Plan 2010.

#### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape.

Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is located adjacent to the settlement boundary of Trewern. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing key settlement and would not have an unacceptable adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

#### Agricultural land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site is classified as 'Moderate quality agricultural land' (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Given the classification of the application site, it is not considered that development on the proposed site would result in the loss of high grade agricultural land, compliant with UDP policy ENV1.

#### Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

#### Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC10 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system.

As part of this application process the council's Environmental Health Officers have been consulted who have raised no objection to the scheme as it is to be served by the public sewerage system. Severn Trent have also been consulted and have raised no objection to the proposal subject to the inclusion of a condition to include details of the foul and surface water disposal for the scheme.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC10 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

### Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions. Some of the suggested conditions relate to landscaping measures which are not being considered as part of this outline application process and therefore is not considered appropriate to attach these conditions at this outline stage.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

### **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.

In the 2011 census the Trewern Ward reported 14% of the population spoke Welsh. This is an increase from the 2001 census which stated that 2.4% of the population of Trewern spoke Welsh. Officers consider that the development of nine dwellings in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

#### 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 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 subject to conditions.

#### Conditions:

1. Details of the 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 received on 24th November 2017 (drawing no's: RPP/GD-JOB36-01, RPP/GD-JOB36-02, RPP/GD-JOB36-03).
5. Prior to any other works commencing on the development site, detailed engineering drawings for a footway and street lighting along the Class III C2039 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
6. Before any other development commences, 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 any works being commenced on the site a scheme for the introduction of a 30mph speed restriction, along C2039 and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority.
8. Any entrance gates shall be set back at least 10 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.
9. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
10. The centre line of the first 10 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.
11. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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.
12. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

13. 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.
14. Before any other development commences 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.
15. The width of the access carriageway, constructed as condition 11 above, shall be not less than 5.5 metres for a minimum distance of 10 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.
16. Prior to the occupation of any dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
17. 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
18. Before any other development commences 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.
19. 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.
20. Upon formation of the visibility splays as detailed in condition 11 above the centreline of any new or relocated hedge/fence/wall 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.
21. No storm water drainage from the site shall be allowed to discharge onto the county highway.
22. Prior to the commencement of development drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning

Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

23. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
- 0800-1800 hrs Monday to Friday
  - 0800-1300 hrs Saturday
  - At no time on Sundays and Bank Holidays

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

24. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
25. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority Approval.
26. 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 type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 1 dwelling;
  - 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.
27. The affordable dwelling 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 reenacting 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 adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
6. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
7. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
8. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
9. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
10. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
11. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
12. To ensure that adequate provision is made for highway access onto the County Class III 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 Class III 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 Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
15. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
16. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
17. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan
18. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
19. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
20. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
21. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
22. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.
23. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
24. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
25. 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.

26. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).
27. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

### **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.

#### Reptiles - Wildlife & Countryside Act 1981 (as amended)

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

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

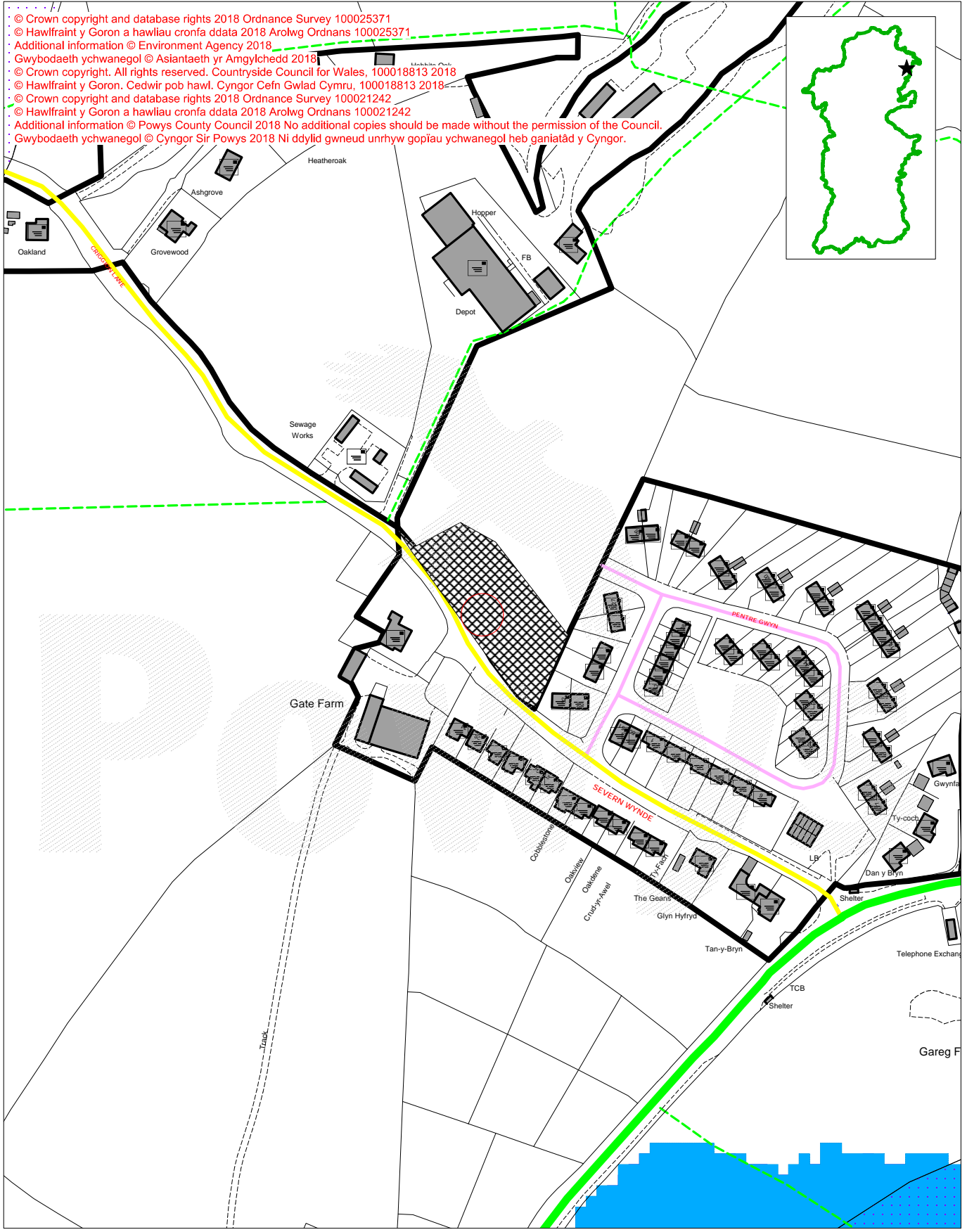
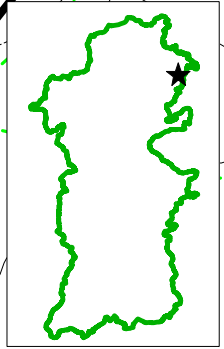
All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Tel: 01597 82 7126 E-mail: [bryn.pryce@powys.gov.uk](mailto:bryn.pryce@powys.gov.uk)

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



© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.12

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

<b>Application No:</b>	P/2017/1331	<b>Grid Ref:</b>	314769.06, 289890.49
<b>Community Council:</b>	Kerry	<b>Valid Date:</b>	<b>Officer:</b> 22/11/2017 Bryn Pryce
<b>Applicant:</b>	Powys County Council		
<b>Location:</b>	24 The Gardens, Kerry, Newtown Powys SY16 4NX		
<b>Proposal:</b>	Full: Formation of vehicular access and hard standing (retrospective)		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The applicant is Powys County Council.

### Site Location and Description

The site is located directly off the C2012 classified highway within the key settlement of Kerry. This application is retrospective and much of the works have currently been undertaken with new timber fencing and tarmac hardstanding parking area already being laid.

This application seeks retrospective consent for the formation of a vehicular access and hard standing parking area.

### Consultee Response

#### Kerry CC

*Correspondence received 11<sup>th</sup> December 2017*

Council has no objection to this application.

#### Powys Highways

*Correspondence received 17<sup>th</sup> January 2108*

The County Council as Highway Authority for the County Class III Highway, C2012

### **Wish the following recommendations/Observations be applied Recommendations/Observations**

The proposed parking area has already been constructed and the current drawings submitted with this application include further improvements in order to provide the required access visibility splays and storm water drainage interceptor.

## Recs:

1. The development proposed shall be fully completed, within two months from the date of the issuing of the decision notice, to the written satisfaction of the Local Planning Authority in accordance with the details as identified on Drawings 001, 002, 003 and 004.

2. No other development shall commence until the access has been constructed so that there is a clear visibility splay 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

### Wales and West Utilities

*Correspondence received 1<sup>st</sup> December 2017*

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

### Severn Trent

*Correspondence received 7<sup>th</sup> December 2017*

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

## PCC – Environmental Health

*Correspondence received 1<sup>st</sup> December 2017*

Re: Formation of vehicular access and hard standing (retrospective).

Environmental Protection has no objection to this application.

### **Representations**

A public site notice was erected at the site for a period of 21 days. No third party responses have been received by Development Management at the time of writing this report.

### **Planning History**

P/2017/0519 - Full: Formation of vehicular access (retrospective) - Withdrawn

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (9<sup>th</sup> edition, 2016)

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

Technical Advice Note (TAN) 12: Design (2016)

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

#### Local planning policies

Powys Unitary Development Plan 2010

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highways and Parking Requirements

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC13 – Surface Water Drainage

Powys Residential Design Guide 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

### **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.

### Principle of Development

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

This application seeks consent for the formation of a vehicular access and hard standing area to the front of number 24 The Gardens, Kerry. This application is retrospective in its nature. As part of this application process the highways authority have been consulted and no objections have been received in response subject to the inclusion of suggested conditions upon any grant of consent. Officers consider that subject to the conditions a suitable and safe means of access can be achieved.

In light of the highways officers comments it is considered that the proposed dwelling fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application seeks consent for the formation of a vehicular access and hard standing area. The application includes the creation of an area of tarmac for the parking of vehicles, creation of other hardstanding pathway areas, a dropped curb onto the classified highway, rainwater gully and timber fencing. The proposed layout, design, appearance and materials of the proposed development are considered to complement and enhance the character and appearance of the surrounding area. The design and materials are therefore considered to be acceptable.

In light of the above, officers consider that the proposed development fundamentally complies with policy GP3 of the Powys Unitary Development Plan 2010.

### Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The proposed layout of the vehicular parking area and other hardstanding and fencing elements are considered to be acceptable. Although the creation of the parking area will result in the loss of amenity garden area for the property the dwelling will benefit from parking facilities that it did not previously have. The dwelling will still retain areas of garden to the south of the parking area proposed and to the rear of the existing dwelling. The proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the neighbouring properties.

In light of the above, officers are satisfied that there would be no significant adverse impact upon any neighbouring properties as a result of the proposal and therefore is considered to comply with policy GP1 of the Powys Unitary Development Plan 2010.

## **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**

The proposed access and parking area is considered to be of an appropriate design and materials as to complement and enhance the character and appearance of the surrounding area. The access provides an acceptable visibility splay and therefore fundamentally complies with the relevant planning policies. The recommendation is therefore one of conditional consent.

Conditions:

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from xxxxxxxx
2. The development shall be carried out strictly in accordance with the plans stamped as received on 22nd November 2017 (drawing no's: 001, 002, 003, 004).
3. Within 28 days from the date of this consent the access shall be constructed so that there is a clear visibility splay 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.
4. 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.

## **Reasons**

1. To comply with Section 63 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.

---

Case Officer: Bryn Pryce- Planning Officer  
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk



© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.13

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

<b>Application No:</b>	P/2017/1403	<b>Grid Ref:</b>	321353.64 314293.9
<b>Community Council:</b>	Meifod	<b>Valid Date:</b>	<b>Officer:</b> 30/11/2017 Sara Robinson
<b>Applicant:</b>	Mr B V Edwards, Broniarth Farm, Ashtree Barn, Guilsfield, Powys, SY21 9DT		
<b>Location:</b>	Land off Abbey Lane, Geuffordd, Guilsfield, Powys, SY21 9DR		
<b>Proposal:</b>	Outline application (with some matters reserved), formation of vehicular access, installation of septic tank and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan and is recommended for approval.

### Site Location and Description

The site subject to this application is located within the Rural Settlement known as Geuffordd located within the Community Council area of Meifod.

The site is located on a parcel of land bounded by agricultural land to the south- east and to the west and to the north is a plant nursery and associated poly tunnels. To the east is the U2193 unclassified highway.

Consent is sought for the erection of a single open market dwelling with all associated works. Outline permission has been sought for the proposed development with some matters reserved, except for access.

### Consultee Response

#### Meifod Community Council

Members of Meifod Community Council have agreed to support this application. It will provide accomodation within a rural settlement.

#### Highways Department

The County Council as Highway Authority for the County Unclassified Highway, U2193

Wish the following recommendations/Observations be applied  
Recommendations/Observations

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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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.

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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

In the interests of highway safety.

#### Building Control

Building Regulations application required.

#### Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 08.12.2017, advising us of the proposals for:

Land off Abbey Lane, Geuffordd, Guilsfield, Welshpool, Powys, SY21 9DR

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

#### Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

### Environmental Health

*Correspondence received 18/12/2017*

#### Foul drainage

It is important to establish, even for outline applications, that the ground conditions at the site are going to be suitable for the type of foul drainage system that is being proposed. Therefore, please can the applicant/agent submit percolation test results in order to demonstrate that the ground conditions are suitable for a foul drainage field, and to determine the area of land required to accommodate it? The tests should be carried out in accordance with the methodology in document H2 of the Building Regulations.

*Correspondence received 24/01/2018*

Thanks for forwarding the percolation test results for comment.

I am satisfied the percolation tests confirm that the ground conditions are suitable, and that there is adequate space available to install, the septic tank and drainage field system proposed. I therefore have no objection to the application.

### PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1403 which concerns the outline application (with some matters reserved), formation of vehicular access, installation of septic tank and all associated works on Land off Abbey Lane, Geuffordd, Guilsfield, Powys.

I have reviewed the proposed plans aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 10 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows on the northern and eastern boundary is considered to be of moderate ecological value.

## Tree and Hedgerow Replacement Plan

From the plans submitted it is not clear if sections of the hedgerow will be removed to accommodate the proposed access.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

## Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

## Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

## Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

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

Prior to 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.

Reason: 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.

In addition I recommend inclusion of the following informative:

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.

### Rights of Way

Thank you for consulting Countryside Services on the above application.

A Public Right of Way (Footpath 130) abuts the north-eastern side of the site of the proposed development, but does not appear to be directly affected by it. 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.

### **Representations**

Following display of a site notice on 20/12/2017 for a period of 21 days one letter of public representations was received from the Powys Ramblers Association which stated that they wish to support the comments made by the Countryside Services officer, no other public representations have been received by Development Management at the time of writing this report.

### **Principal Planning Constraints**

None



## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (9th Edition, 2016)  
Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)  
Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)  
Technical Advice Note (TAN) 12 - Design (2016)  
Technical Advice Note 20: Planning and the Welsh Language (2017)  
Technical Advice Note (TAN) 23 - Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

### Local planning policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy  
SP4 – Economic and Employment Developments  
SP5 – Housing Developments  
SP6 – Development and Transport  
SP12 – Energy Conservation and Generation  
GP1 – Development Control  
GP2 – Planning Obligations  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
GP5 – Welsh Language and Culture  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
HP3 - Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Development  
HP6 - Dwellings in the Open Countryside  
HP9 - Affordable Housing in Rural Settlements  
HP14 – Sustainable Housing  
DC1 – Access by Disabled Persons  
DC3 – External Lighting  
DC8 – Public Water Supply  
DC11 – Non mains Sewage Treatment  
DC13 – Surface Water Drainage  
TR2 – Tourist Attractions and 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

## **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.

### Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010) and is within the rural settlement of Geuffordd. Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

### Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. The Powys Joint Housing Land Availability Study (JHLAS) 2017 states that there was 0 years supply of housing land in the Powys Local Planning Authority (LPA) area.

Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies"*.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all

material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Geuffordd is defined in the UDP as a rural settlement, whilst the proposed dwelling has been grouped with the existing properties/businesses contained within the rural settlement it is noted that the village itself offers minimal services. It is however noted that the large village of Guilsfield is approximately 2.35 km to the south east of Geuffordd which offers a number of services and facilities including a Primary School, Community Centre, Public House, shop, fuel station and Place of Worship.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development at this location given its siting within an existing rural settlement and scale of development. Therefore, the proposed site is considered to be within a sustainable location for residential development.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in outline with some matters reserved to be considered during the submission of the reserved matters.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the dwelling will be located adjacent to the dwelling known as Highbury located approximately 66 metres away, the dwelling is also located near

the dwelling known as The Street which is indicated to be located approximately 46 metres from the proposed dwelling and approximately 40 metres from the proposed garage. The indicative layout shows that the dwelling is at an offset angle and it is considered that there is sufficient distance between the existing properties and the proposed dwelling as to not have a significant adverse impact upon the amenities enjoyed by the occupants of the neighbouring properties.

This layout is for indicative purposes only and the layout of the site could be altered at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission proposes the plantation of trees. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and rights of way and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite and adjacent to existing dwellings within the settlement, that landscaping measures would reduce the visual impact and that the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

### Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding entrance gates, parking provision and access construction methods and materials.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

### Foul Drainage

Given the location of the site, it is accepted that it is not feasible for the proposed dwelling to connect to the public foul sewerage system. As such, it is proposed to dispose of foul sewage via a sewage treatment plant. The Council's Environmental Health Department have been consulted on this application and requested the submission of Percolation Test Results.

Following the submission of additional information it is considered that the ground conditions would be suitable and that there would be adequate space available to install the septic tank and drainage field system proposed. It is therefore considered that the proposal is in compliance with the UDP Policy DC11.

### Ecology and Biodiversity

As part of this application process our County Ecologist had been consulted and has provided comments on the application.

The Ecologist has raised no concerns in relation to the loss of habitats or biodiversity, however has requested that a number of conditions and an informative are attached to any grant of planning permission.

The conditions requested to be imposed on any granting of planning permission are for a hedgerow replacement plan, lighting design and detailed landscaping scheme. As landscaping is to be considered at reserved matters it is considered that this condition would not be included at this time.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions and informative the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

### Public Right of Way

Countryside Service confirms that a public footpath number 130 abuts the north-eastern side of the site of the proposed development, and confirms that the development would not appear to be directly affecting it. The officer however notes that the right of way must remain open and available for safe unimpeded public use at all times, both during development and following completion.

In this instance it is recommended to place an informative on the decision notice drawing the attention to the applicant/developer in respect of the Public Right of Way route and their responsibilities to that regard.

Given that the applicant has acknowledged the existence of the public footpath and has incorporated it into the development it is not considered that the proposal would have an unacceptable adverse effect upon the environmental setting of established tourist attractions in accordance with UDP Policy TR2.

### Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been split as category 3a agricultural land; this is defined as good quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3a, it is noted that weight should be given to safeguarding the land.

#### 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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Meifod is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the census for the Meifod community area the number of Welsh speaking residents aged 3 and over in 2001 was 25.3% and in 2011 was 24.4%. Whilst there is a slight decrease in the number of Welsh Speakers it is considered that given the scale of the proposed development that the proposal would not have an unacceptable adverse impact upon Welsh language and culture.

#### **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.

#### 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 the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development. However, this needs to be balanced against the loss of agricultural land. On balance, the recommendation is one of approval.

### **Conditions**

1. Details of the 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 XXXX in so far as the extent of the application site is drawn.

5. 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
6. 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.
7. 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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
8. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

## **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. 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 required.

### Wales & 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

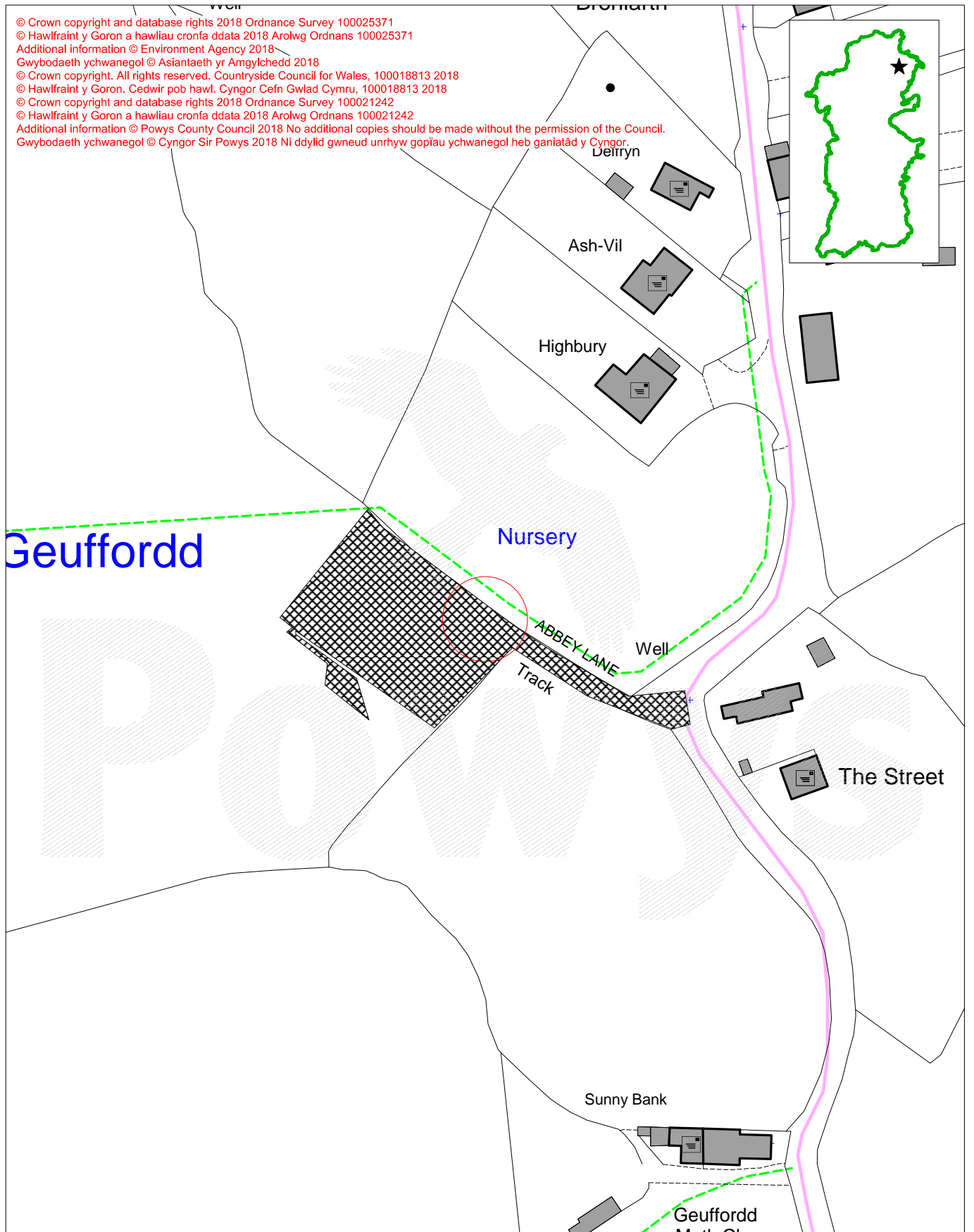
The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

---

Case Officer: Sara Robinson- Planning Officer  
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
Additional information © Environment Agency 2018  
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
© Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
© Crown copyright and database rights 2018 Ordnance Survey 100021242  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.14

## 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>	Lland adj Dyfnant, Sarnau, Llanymynech, Powys, SY22 6QL		
<b>Proposal:</b>	Outline - 1residential dwelling, formation of vehicular access and associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The application site is located outside of the development boundary and in the open countryside as defined by the Powys Unitary Development Plan (2010).

### Site Location and Description

The application submitted was originally for 4 dwellings; however the proposal has now been reduced to 1 dwelling. A new site notice was been erected and following re-consultation no amendments to the concerns raised have been submitted.

The application site lies within the Community Council of Llandrinio. The site is located adjacent to the settlement boundary of Sarnau and in the open countryside as defined by the Powys Unitary Development Plan (2010). The site is accessed by the classified road C2034 to the north of the application site. The nearest neighbouring residential properties are Dyfnant located to the east of the site and Llwyn Derw, Ty Newydd, Ty Breiz and Holly Bush located to the north of the site beyond the county highway to the north. To the south and west of the site are agricultural fields. There is a right of way located to the east of the application site.

The application is for the residential development of one residential dwelling, formation of vehicular access and associated works. Outline permission has been sought for the proposed development with some matters reserved.

### Consultee Response

#### Llandrinio Community Council

The Community Council held a site meeting at the above property on Tuesday 17th October 2017.

They wish to OBJECT to the above development for the following reasons:-

1. Contrary to Policy GP1 Outside the development boundary

Councillors feel it is still important to adhere to the principles embodied in the Development Plan and that any development outside of the boundary should only be considered if it is 100% affordable.

2. Policy HP3 Housing Land Availability

It appears that the lack of a 5 year housing supply seems to override all other considerations and in the case of Sarnau there are properties for sale in villages less than 3 miles away. Arddleen has planning permission already granted for 22 dwellings with a further 46 being considered.

3. Policy GP 4 – Highway & parking requirements

The access to this development is on a busy narrow lane – the layout should be re-designed so that there is only one entrance.

4. Policy DC10 –Sewage Treatment

The proposal for a Bio-Disc does not contain enough information with regard to the effluent as it seems the plan is for it to go into the ditch at the back of the field. This is unacceptable and it should be noted that there is already problems with odour in connection with the Sarnau Brook. There is not enough flow in the Brook during the summer to dissipate the existing effluent coming from another housing development.

5. Policy SP1 – Social, Community and Cultural Sustainability

The proposals need to restrict the size of the properties to single storey properties without a dormer window to mirror those opposite. If these were designated affordable it would then give an opportunity for older residents to downsize or younger persons to afford their first property.

PCC Highways

*Consultation received 01/11/2017*

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

Wish the following recommendations/Observations be applied  
Recommendations/Observations

This application should be deferred

The C2034 across the frontage of the site is narrow and prohibits the free flow of two way traffic. Therefore the frontage of the site should be widened to 5.5 metres with the appropriate tapering back into the existing width. We therefore request that amended plans are submitted reflecting the above comments.

The Highway Authority recommend that this application is deferred.

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.

*Consultation received 17/11/2017*

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

HC11 Prior to the commencement of 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 located at Plot 1, 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.

HC12a The width of the access carriageway located at Plots 2 & 3, constructed as Condition HC7 above, shall be not less than 6 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 any dwelling the area of the accesses 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.

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

#### PCC Building Control

No comments were received at the time of writing this report.



### Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 27.09.2017, advising us of the proposals for:

Dyfnant, Sarnau, Llanymynech, Powys, SY22 6QN

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

### Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

### PCC Environmental Health

*Consultation received on 28/09/2017*

The plan for the foul drainage is to utilise a package sewage treatment plant with discharge to watercourse. Environmental Protection has no objection to this application, subject to NRW consent for the discharge to watercourse.

*Consultation received on 03/01/2018*

Thanks for forwarding the objection letter.

With reference to point 3, it is my understanding that the watercourse in question has not been incorrectly identified as Sarnau Brook. I have had reason to visit the brook during the summer months and I have not personally known it to dry out. I have no objection to the application.

However, regarding the question about the potential for the brook to handle more sewage effluent, this issue would fall within the remit of Natural Resources Wales, therefore I would suggest that their opinion is sought on the matter.

### PCC Rights of Way

Thank you for consulting Countryside Services on the above application.

A Public Right of Way (Footpath157) passes along the eastern edge of the proposed development, and this does appear to be acknowledged in the plans.

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.

### Powys Ramblers

Thanks you for the opportunity to comment on this application. We support the comments made by Countryside Services.

### PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1087 which concerns the outline application for residential development of 3x dwellings, formation of vehicular access and associated works on Land adjacent to Dyfnant Sarnau, Llanymynech. I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 4 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of poor semi-improved grassland which is considered a habitat of low ecological value. However, the hedgerows on the northern boundary is considered to be of moderate ecological value.

### Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appear that sections of the hedgerow will be removed to accommodate the proposed development and proposed access. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding

sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

#### Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

#### Pollution Prevention Plan

Consideration has been given to the proximity of the development to the watercourse present which is immediately adjacent of the proposed site.

In considering the nature of the development it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant undertakes works in accordance with available Pollution Prevention Guidelines, particularly GPP5: Works and maintenance in or near water and PPG6: Working at construction and demolition sites, details of these guidelines can be found at:

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

I therefore recommend that a Pollution Prevention Plan is secured through a planning condition

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 unless otherwise agreed in writing with the LPA.

Reason: 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.

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.

Reason: 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.

Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3 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.

In addition I recommend inclusion of the following informative:

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

*Consultation received 17/01/2018*

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 03/01/2018.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Summary of Requirements:

Requirement 1 – The applicants revise the proposed foul drainage system

Foul Drainage

The Design and Access submitted with the application shows that the Private Treatment Plant will discharge to the “nearby stream”. The Sarnau Brook is a small watercourse and it can dry up in the Summer months. Discharging from a treatment plant to a dry ditch would not be appropriate as there would be insufficient dilution for the discharge from the treatment plant. This lack of dilution and lack of transport of the effluent would also potentially cause amenity (odour) issues to the future residents of the development.

Requirement 1 – The applicants revise the proposed foul drainage system NRW would therefore require that the applicant investigate the suitability of a septic tank / soak-away system at this location, which would be over 10 metres from any watercourse and over 50 metres away from a well. A percolation test will need to be carried out in accordance with Appendix A of Guidance for Pollution Prevention 4 “Treatment and disposal of sewage where no foul sewer is available”, copy enclosed. The percolation test results should be made available to the Local Planning Authority, and as a result, a review of the foul drainage system should be carried out in line with the Guidance for Pollution Prevention.

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

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

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.

The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <https://naturalresources.wales/apply-for-a-permit/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

*Consultation received 01/02/2018*

We have reviewed the amended information sent in by Tudor Watkins. NRW note no details have been provided regarding the pipe and the potential for it to become exposed. If it is exposed what protection would be given to that section to reduce the risk of damage, that is more likely to occur when not underground?

We advise that the applicant should clarify details/plans of the pipe discharge point.

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

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

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.

The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <https://naturalresources.wales/apply-for-a-permit/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>.

## **Representations**

Following display of a site notice on 12/10/2017 for a period of 21 days one public representation has been received by Development Management at the time of writing this report.

The public representation raised objections to the proposal and is listed as follows;

1. The proposed dwellings would overlook the neighbouring properties and would be an invasion of privacy and impact the view
2. Two story houses on this site would not be appropriate as:
  - a) They would overlook the existing bungalows. &
  - b) They would not fit in with the existing dwellings – there are 4 bungalows opposite the site and one bungalow adjacent

3. The discharge of water from the proposed treatment plant would go into a ditch – (wrongly named as Sarnau Brook on the application – this is in fact a ditch which runs into Sarnau Brook). During the summer months the said ditch and brook are often bone dry. Also, the brook runs into properties in Sarnau, and is an ornamental feature in more than one property, so there is potential for environmental hazards.  
For your information, the previous development in Sarnau (Sarnau Villas 4 dwellings M/2007/0494) has continuing environmental problems with its reed bed treatment plan and is deemed an environmental Hazard by Natural Resources Wales who are currently testing Sarnau Brook for discharge of raw sewerage. We therefore object to the building of yet another such system with potentially the same problems. We did warn of these environmental hazards when objecting to M/2007/0494, but this was ignored. Please do not ignore it again this time.
4. Sarnau is not suitable for further development. It has no amenities, no mains sewerage and no gas. There are no shops and no public transport. The nearest village store is in Llandrinio – a distance of some 4 miles, and the nearest bus is from Ardleen – a distance of some 2 miles. There will therefore be an increase in traffic on our narrow country lanes which would have a detrimental effect on safety.
5. We feel that the addition of these 3 dwellings would detrimentally alter the character of this quiet hamlet.
6. Considered that the site is located within a flooding area
7. Poor access as the site is close to a junction which is bad for visibility. There is also a collection point for school busses and cars are parked everywhere as there is no safe area for the children to wait. The road is very busy and is mostly a narrow single track with few passing places.
8. The land has the potential to impact biodiversity/ecology and is not intensively grazed as stated by the applicant.

Following the display of an amended site notice on the 26/01/2018 for the period of 21 days no additional public representations were received.

### **Principal Planning Constraints**

Public Right of Way 249/19/1,1

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20- Welsh Language 2017

Technical Advice Note 23 – Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Officer Circular 10/99: Drainage



## Local planning policies

### Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage  
SP5 – Housing Developments  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
GP5- Welsh Language  
ENV 2 - Safeguarding the Landscape  
ENV 3 - Safeguarding Biodiversity and Natural Habitats  
HP3 - Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Developments  
HP6 - Dwellings in the Open Countryside  
HP9 - Affordable Housing in Rural Settlements  
HP10 - Affordability Criteria  
T1 - Highway Improvement Schemes  
T2 - Traffic Management  
DC1 - Access by Disabled Persons  
DC11 - Non-mains Sewage Treatment  
DC13 - Surface Water Drainage  
RL4 - Outdoor Activity and Pony Trekking Centres  
RL6 - Rights of Way and Access to the Countryside

### Powys Residential Design Guide (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

## **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.

### Principle of Development

National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint. PPW states that new house building away from established settlements should be strictly controlled. It goes on to advise that isolated new houses in the open countryside require special justification. The Council's current planning policy, Powys Unitary Development Plan 2010 (UDP), states that outside settlement development boundaries, proposals for new

residential development are only approved in exceptional circumstances, where they comply with UDP Policies HP6 (Dwellings in the Open Countryside), HP8 (Affordable Housing adjoining Settlements with Development Boundaries) or HP9 (Affordable Housing in Rural Settlements).

Given the site's location, adjacent to the settlement development boundary of Sarnau, UDP Policy HP8 would normally require 100% affordable dwellings on such a site, as an exception to normal housing policies and where there is an identified, proven need. The proposed development would result in open market residential development outside of the defined settlement boundary and would therefore be contrary to the Unitary Development Plan.

### Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. The Powys Joint Housing Land Availability Study (JHLAS) 2017 states that there was 0 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies"*.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore PPW, it states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided, unless special circumstances apply in compliance with provisions of TAN6.

Sarnau is classified as a small village within the Powys Unitary Development Plan. Within the Local Development plan Sarnau is no longer identified as a Small Village and is considered to be a rural settlement. Sarnau is served by a limited number of community services such as a chapel. However, Sarnau is located approximately 1.9 kilometres from the large village known as Arddleen which has a number of services as a primary school, public house, and a bus service. The key settlement of Four Crosses is approximately 3.9 Kilometres from Sarnau which has a wider variety of services such as a garage, public house, primary school, veterinary surgery, doctor surgery, sports facilities and church.

Therefore, on balance Officers consider that additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

#### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in outline with some matters reserved to be considered during the submission of the reserved matters other than access.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the dwellings proposed are to be detached dwellings with three or four bedrooms.

Public representations of objection have been submitted in relation to the proposed design of the dwelling. It is stated that two storey properties would not be in keeping with the existing dwellings and would overlook the bungalows adjacent to the site.

It is advised that the design of the proposed dwelling to be a bungalow to ensure that the building is in keeping with character of the area.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

#### Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

Public representations of objection have been submitted in relation to the impact the development of four dwellings would have on the adjacent dwellings known as Llwyn Derw, Ty Newydd, Ty Breiz and Holly Bush. The development has now been reduced to a single dwelling located opposite the dwelling known as Llwyn Derw and adjacent to Dyfnant.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the dwelling will be located adjacent to the dwelling known as Dyfnant and opposite the dwelling known as Llwyn Derw. Consideration should be given to the light and privacy afforded to the dwelling known as Dyfnant at reserved matters. It is considered that there can be sufficient distance between the dwellings and the proposed dwelling as to not have a significant adverse impact upon the amenities enjoyed by the occupants of this neighbouring property. It is considered that due to the distance between Llwyn Derw and the proposed dwelling that the proposal should not impact the light and privacy afforded to Llwyn Derw. It is considered that the dwelling can be located offset from the Dwelling known as Llwyn Derw. Consideration will need to be given for the location of the dwelling in relation to those of the neighbouring development site.

This layout is for indicative purposes only and the layout of the site could be altered at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

#### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Whilst the site would be visible from public vantage points including the public highway and right of way the proposal would result in a visual change in comparison to the current agricultural use. Taking into account the location adjacent to the proposed development, landscaping measures would reduce the visual impact and that the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

#### Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

Public representations of objection were received in relation to poor visibility from the proposed site and that the road is busy which causes further issues..

The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding entrance gates, parking provision and access construction methods and materials. The highways department have raised no concerns in relation to the lack of a footpath on the lane.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

### Ecology and Biodiversity

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

Public representations of objection were received in relation to the potential to impact biodiversity/ecology.

The Ecologist has been consulted and notes that there has been 4 identified records of protected and priority species within 500 metres of the proposed development site, but there are no records for the site itself. They also note that the proposed development appears to be an area of poor semi-improved grassland which is considered a habitat of low ecological value. However, it is noted that the northern boundary hedgerow is considered to be of moderate ecological value.

The Ecologist had raised no concerns with regards to the proposal, but has requested that consideration be given to the translocation of the hedgerow rather than its complete removal. The Ecologist has therefore requested that a number of conditions are attached to any grant of planning permission.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

### Public Right of Way

PCC Rights of Way states that 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.

Given that the applicant has acknowledged the existence of the public footpath and has incorporated it into the development on a diverted line, it is not considered that the proposal would have an unacceptable adverse effect upon the environmental setting of established tourist attractions in accordance with UDP Policy TR2.

## Land Drainage

UDP policy DC11 indicates that where it is not feasible for development proposals to connect to the public foul sewerage system, permission will be granted for the provision and use of private sewage treatment plants, septic tanks and bio-systems so long as they comply with the specified requirements. The proposal seeks foul drainage to be disposed of via a package treatment plant which will discharge into a water course.

Environmental Health has no objection in relation to the proposal. An objection was received which raised concerns regarding the drainage proposals, this was forwarded onto Environmental Health, however their comments of no objection remains but advised to seek comments from NRW.

Public representations of objection had been submitted raising concerns in relation to the suitability of brook in which the applicant wished to discharge into as that brook often dries up during the summer. Issues have occurred in Sarnau previously in relation to drainage and wish to ensure that this would not occur again.

NRW have reviewed the proposal and stated that the nearby stream would not be suitable and advised for an amended scheme to be submitted. Following the submission of additional information and revised scheme to discharge into a larger water course NRW did not object, however, stated that no details were provided regarding the pipe and the potential for it to become exposed. If it were to be exposed NRW requested information to identify what protection would be given to that section to reduce the risk of damage, that is more likely to occur when not underground.

Further details identifying the protection that would be given to the pipework to reduce the risk of damage were provided to rectify the matters raised by NRW. It is considered that these matters are to be considered by building regulations application and additionally the applicant will be required to apply for a licence from NRW to be able to discharge into the water course.

It is considered that, in light of the NRW comments the proposed development fundamentally complies with policy DC11 of the Powys Unitary Development Plan (2010).

## 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Llandrinio is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

In the 2011 census the Llandrinio Ward reported that 12.2% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 13.7% of the population of Llandrinio spoke Welsh. The development of a two dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

### Loss of agricultural land

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been split as category 3b agricultural land; this is defined as good/moderate quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b and taking into consideration the current housing land supply it is considered in this instance and taking into consideration the plot of land proposed that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

### Public Representations

Public representations of objection have been raised in relation to the proposed development. Many of the concerns raised have been discussed above; however those not referred to above will be discussed below;

#### *1. Character of Sarnau*

Concerns have been raised in relation to the impact the proposal of 3 dwellings will have on the character of Sarnau.

As the proposal has been amended to a single dwelling it is considered that this would not impact the character of the area.

#### *2. Flooding*

Concerns were raised in relation to the site being located within a flooding area and the development would impact this further.

The site is not identified as being located within a flood zone area and having consulted NRW they have raised no concerns in relation to flooding.

## **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.

### 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 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 xxxx 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 any 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 accesses 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 roads 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 accesses 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 accesses 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 located at Plot 1, constructed as Condition 11 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 any dwelling the area of the accesses 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 condition 10 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.
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 interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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

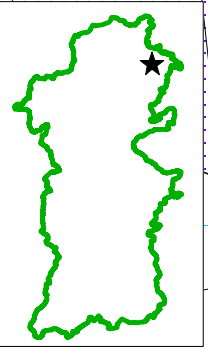
The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary 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.

---

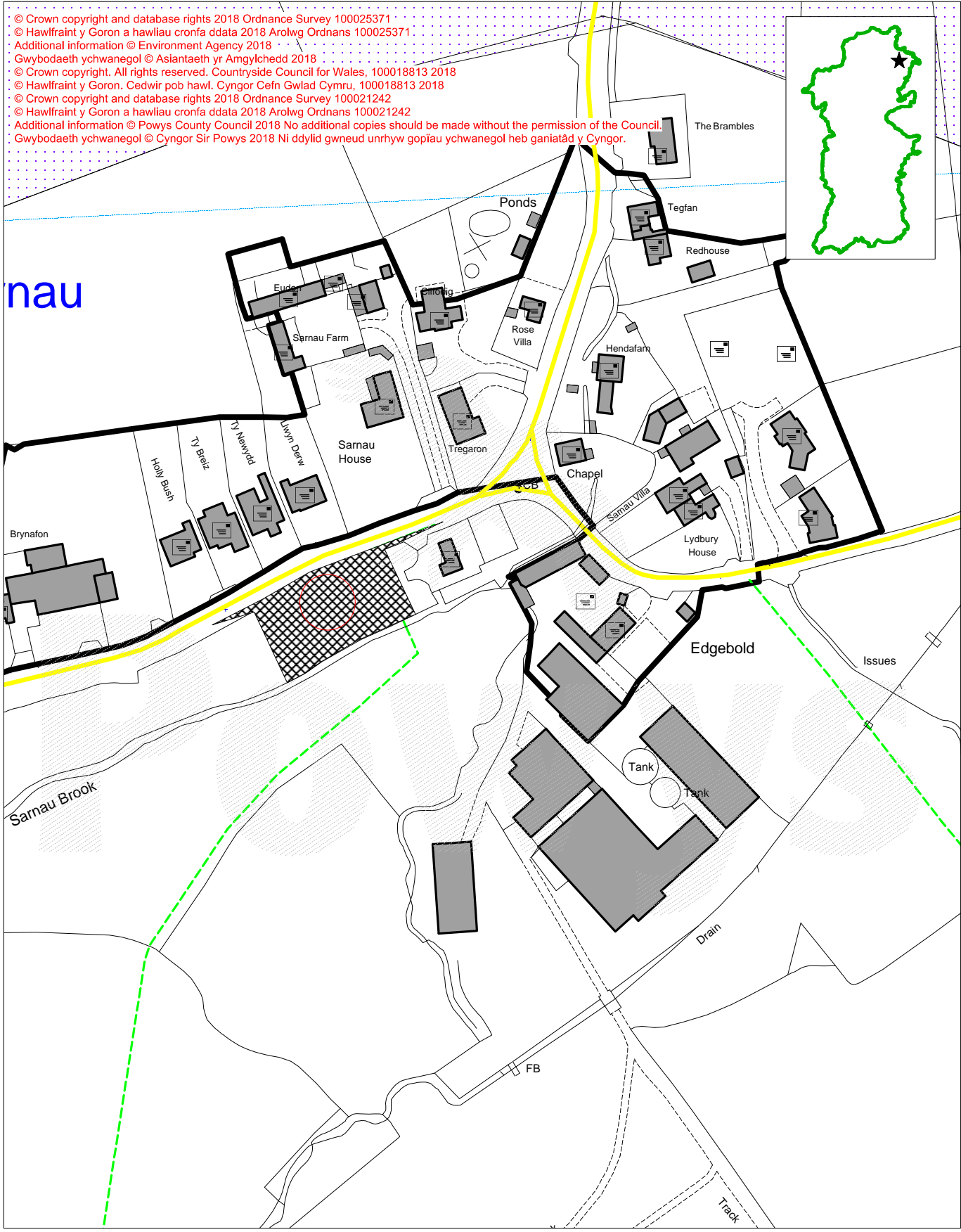
Case Officer: Sara Robinson- Planning Officer  
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



nau



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



# 4.15

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

<b>Application No:</b>	P/2017/1289	<b>Grid Ref:</b>	321657.35 298063.15
<b>Community Council:</b>	Montgomery	<b>Valid Date:</b>	<b>Officer:</b> 03/11/2017 Gemma Bufton
<b>Applicant:</b>	Mr D M Jones, Wernllwyd, Berriew, Welshpool, Powys.		
<b>Location:</b>	Land at Pwll Farm, Hendomen, Montgomery, Powys, SY15 6EZ.		
<b>Proposal:</b>	Outline application for erection of 1 no. dwellings with detached garages, alterations to vehicular access, installation of septic tanks and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

This application is a departure from the development plan and is recommended for approval.

### Site Location and Description

The application site is located within the rural settlement of Hendomen within the community council area for Montgomery. The application site is located outside of a defined settlement development limit and therefore considered a departure from the Unitary Development Plan. The application site is located with the County Class III Highway, C2192 running to the north of the site with a neighbouring residential dwelling located to the east. To the south and west is agricultural land.

Consent is sought in outline with some matters reserved except for access for the erection of a single dwelling.

### Consultee Response

#### Montgomery Town Council-

Comments from Montgomery Town Council - Plans provided do not show the visual impact of this site. Local needs are not being met Councillors are concerned that there does not appear to be any part of the construction that is eco- friendly.

#### Highways Department

The County Council as Highway Authority for the County Class III Highway, C2192

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC1 Prior to the occupation of the 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.

HC2 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.

HC3 The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway.

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

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

HC8 Prior to the occupation of 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 from 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 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.

HC13 Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

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 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,

HC22 Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

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 surface water drainage from the site shall be allowed to discharge onto the county highway.

HC37 Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

#### Building Control-

Building regulation approval will be required.

#### Wales & West Utilities-

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

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

#### Severn Trent Water-

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

#### Environmental Health-

*15<sup>th</sup> November 2017-*

Re: Outline application for erection of 2 no. dwellings with detached garages, alterations to vehicular access, installation of septic tanks and all associated works.

#### Foul drainage

The description of the application, the application form and the block plan state that the intention is to install septic tanks for the properties, however the Design and Access Statement (section 6.3) states that the site is serviced by mains drainage and that the sewage will be pumped to the public sewer network.

Please can the agent/applicant confirm which option is being proposed?

If the intention is to install septic tanks and drainage fields it will be necessary for percolation tests to be carried out and the results submitted in order to confirm that the ground conditions are suitable, and that there is sufficient area available for their installation, in accordance with approved document H2 of the Building Regulations.

*Additional Correspondance received on 18<sup>th</sup> January 2018*

Thanks for forwarding the percolation test results for comment.

I am satisfied that the ground conditions are suitable for a septic tank and drainage field, and that there is sufficient space for its implementation, therefore I have no objection to the application.

#### PCC Ecologist-

Thank you for consulting me with regards to planning application P/2017/1289 which concerns the outline application for erection of 2 no. dwellings with detached garages, alterations to vehicular access, installation of septic tanks and all associated works on Land at Pwll Farm, Hendomen, Montgomery.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 20 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows and trees on the boundary of the development is considered to be of moderate ecological value.

#### Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appear that sections of the hedgerow will be translocated to provide proposed new access.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

As proposed translocation of the existing hedgerow should be carried out. However, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to translocate or remove hedgerows a Hedgerow Translocation Plan will need to be secured through an appropriately worded condition. This plan will need to identify details of the location, length, transplanting methods as well as an appropriate aftercare scheme.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

## Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

## Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Hedgerow Translocation Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 unless otherwise agreed in writing with the LPA.

Reason: 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.

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.

Reason: 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.

In addition I recommend inclusion of the following informative:

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.

CADW-

Thank you for your letter inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application. We have no objections to the impact of the proposed development on the scheduled monuments MG013 Hen Domen Mound & Bailey Castle and MG170 Hen Domen Pre-Conquest Fields. Our assessment of the application is given below.

## Our role

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

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

## National Policy

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

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

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

## Assessment

The application area is located some 180m east of scheduled monument MG013 Hen Domen Mound & Bailey Castle and 86m east of scheduled monument MG170 Hen Domen Pre-Conquest Fields. These monuments consist of the well preserved remains of a medieval earthwork castle built over the remains of a Pre-Norman field system.

The proposed development will be clearly visible from the scheduled monument but will be seen as part of the existing settlement at Hendomen. Whilst it will increase the amount of modern development constructed close to the scheduled monument we consider that the proposed development will cause slight but not significant damage to the settings of scheduled monuments MG013 and MG170



## **Representations**

No letters of public representation received at the time of writing this report.

## **Planning History**

N/A

## **Principal Planning Constraints**

Historic Landscapes Register Outstanding

## **Principal Planning Policies**

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

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

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

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

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

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

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

## Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14- Development in Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV17- Ancient Monuments and Archaeological Sites

ENV18- Development Proposals Affecting Archaeological Sites

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP6 – Dwellings in the Open Countryside  
HP9 – Affordable Housing in Rural Settlements  
HP10 – Affordability Criteria  
TR2- Tourist Attractions and Development Areas  
DC9- Protection of Water Resources  
DC10- Mains Sewage Treatment  
DC11 – Non-Mains Sewage Treatment  
DC13 – Surface Water Drainage  
DC14- Flood Prevention Measures

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

Powys Residential Design Guide (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

## **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.

### Principle of Development

The application site is located entirely outside of a settlement development limits as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

### Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The site itself is located within the rural settlement of Hendomen adjoining an existing neighbouring residential property located to the east and with further residential properties located to the north opposite the C2192 county highway which runs directly to the north of the application site. Whilst it is noted that Hendomen itself has limited services available it is noted that in approximately 0.9km there is both Caerhowel (Small village) and Montgomery (Key settlement) both of which host a number of various facilities and services.

Based on the proximity of these services which include facilities such as Church, Primary Schools, Health Centre, Shops and Public Houses/ Hotels it is considered that on balance that a single dwelling within this location would be considered as acceptable.

It has further been considered the number of applications recently determined within the rural settlement. It is noted that there has been one dwelling approved at the end of 2017 for an open market dwelling. Taking into consideration this application it is considered that on balance the development as proposed would be considered as acceptable within this location.

### Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates a single detached dwelling.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

Based on the distances involved as indicated on the indicative layout it is considered that the proposed development would not be seen as having an impact on the amenity of the neighbouring residential property by either loss of light or privacy.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

### Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3b agricultural land; this is defined as moderate quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

### Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

It is noted that the development site is located on improved grassland which is considered to be of low ecological value. The Powys Ecologist has been consulted and notes that a data search identified 20 records of protected and priority species within 500 metres of the proposed development but no records were for the site itself.

In light of the above the Ecologist has confirmed that they have no objection to the proposed development subject to the implementation of appropriately worded conditions. Whilst the Ecologist has recommended landscaping retention/implementation conditions, given that landscaping is a reserved matter it is not for consideration under this application and will be weighed up at the time of submission of the reserved matters application.

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

### Scheduled Ancient Monument

The application site is located 180 metres east of Scheduled Ancient Monument MG013 Hen Domen Mound & Bailey Castle and 86 metres east of scheduled monument MG170 Hen Domen Pre-Conquest Fields.

Cadw have been consulted and have noted that these monuments consist of the well preserved remains of a medieval earthwork castle built over the remains of a Pre-Normal field system. Whilst they have noted that the development would be visible from the scheduled monument they consider that the proposal will be seen as part of the existing settlement of Hendomen and therefore consider that the proposal would cause slight but not significant damage to the settings of scheduled monuments MG013 and MG170.

It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### 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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Montgomery is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Montgomery community area the percentage of those aged 3 and above able to speak Welsh has decreased slightly by 1% since the 2001 census data (2011- 12.4% and 2001- 12.5%)

In light of the above and given the scale of the proposed development it is considered that the proposal will therefore not have an unacceptable adverse impact upon Welsh language and culture.

#### **Other Legislative Planning 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.

### 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 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 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. Prior to the occupation of the 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.
5. 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.
6. 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.

7. 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 34 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.

8. 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.

9. 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.

10. Prior to from 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.

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

12. Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

13. 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 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,

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

15. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

16. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

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 surface water drainage from the site shall be allowed to discharge onto the county highway.

19. Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

20. 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 shall be 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. 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 interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

20. 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.

### **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.

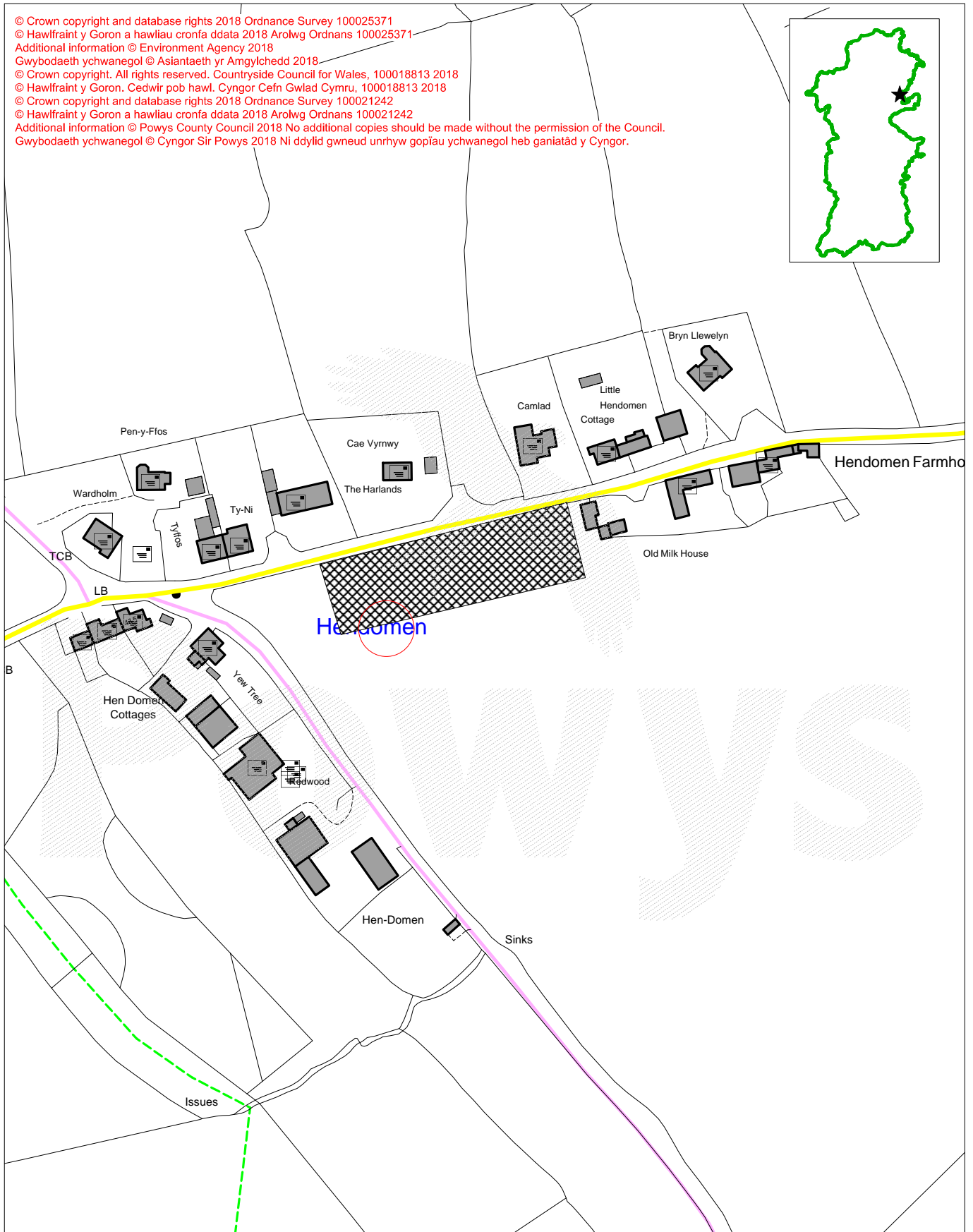
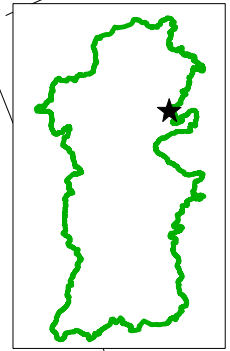
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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.

---

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.16

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

<b>Application No:</b>	P/2017/1325	<b>Grid Ref:</b>	319754.92 295557.2
<b>Community Council:</b>	Llandyssil	<b>Valid Date:</b>	<b>Officer:</b> 21/11/2017 Gemma Bufton
<b>Applicant:</b>	Mr & Mrs D Parry, Plas Robin, Llandyssil, Powys, SY15 6LQ.		
<b>Location:</b>	Land adj Plas Robin, Llandyssil, Powys, SY15 6LQ.		
<b>Proposal:</b>	Outline: Erection of 1 no open market dwelling with garage. Creation of access road and installation of septic tank (all matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

This application is a departure from the development plan and is recommended for approval.

### Site Location and Description

The application site is located directly adjoining the settlement development limits for Llandyssil. The application site is however located outside of any settlement boundary and is therefore considered to be a departure from the Unitary Development Plan.

The application site is located with neighbouring residential properties to the west and south of the application site whilst to the north and east is agricultural land. Access is sought off the C2057 County Highway.

Consent is sought in outline with all matters reserved.

### Consultee Response

#### Llandyssil Community Council-

No comments received at the time of writing this report.

#### PCC – Highways-

The County Council as Highway Authority for the County Class III Highway, C2057

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC37 Prior to any works being commenced on the development site the applicant shall construct 1 passing bay, in a location to be agreed in writing by the Local Planning Authority.

The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

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 areas 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.

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.

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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 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.

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 1 cars per bedroom to a maximum of 3, excluding any garage space provided. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

#### PCC - Building Control-

Building regulations approval will be required.

#### Wales and West Utilities-

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

#### Severn Trent-

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

#### PCC - Environmental Health-

*30<sup>th</sup> November 2017*

Re: Outline – Erection of 1 no. open market dwelling with garage. Creation of access road and installation of septic tank (all matters reserved).

#### Foul drainage

It is important to establish, even for outline applications, that the ground conditions at the site are going to be suitable for the type of foul drainage system that is being proposed. Therefore, please can the applicant/agent submit percolation test results in order to demonstrate that the ground conditions are suitable for a foul drainage field, and to determine the area of land required to accommodate it? The tests should be carried out in accordance with the methodology in document H2 of the Building Regulations.

I have attached a standard form for the procedure.

*Additional correspondance received 2<sup>nd</sup> February 2018*

I am satisfied that the percolation test results, now submitted, demonstrate that the ground conditions are suitable for the septic tank and drainage field proposed. Therefore, I have no objection to the application.

#### PCC – Ecologist-

Thank you for consulting me with regards to planning application P/2017/1325 which concerns the outline application for erection of 1 no open market dwelling with garage. Creation of access road and installation of septic tank (all matters reserved) on Land adjacent to Plas Robin, Llandyssil, Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 30 records of protected and priority species within 500m of the proposed development – no records were for the site itself. The data included records for great crested newts.

There are no statutory or non-statutory sites within 500m of the proposed development.

### Great Crested Newts

The data search identified a record of great crested newts approx. 319m north west of the proposed development. From reviewing aerial images and OS no ponds are clearly visible/noted – However, consideration for suitability for the development site to support Great Crested Newts is identified – Great Crested Newts being a European Protected Species.

Having reviewed information available in form of aerial images the habitat present at the site being improved grassland which is considered to be unfavourable Great Crested Newt terrestrial habitat. Given the lack of suitable habitat and lack of habitat connectivity from the site where great crested newts are recorded to the development site between the development site and location where great crested newts have been recorded - it is considered that the proposed development would not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

### Tree Protection Plan

It appears that no trees or hedgerow will be removed as part of the proposed developments. However Given the proximity of development of the new access road to the trees sited north of Plas Robin it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works.

### External Lighting

Given the rural location of the proposed dwelling careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

### Landscaping Plan

It appears from the proposed plans that new trees will be planted - If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including



proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 unless otherwise agreed in writing with the LPA.

Reason: 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.

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.

Reason: 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.

In this instance should you be minded to approve the application I consider it would be appropriate to include an informative advising the applicants of the legal status of great crested newts and what actions to take in the unlikely event a great crested newts is encountered during the development works. Suitable wording for an informative covering these details is as follows:

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt 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 a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

#### PCC - Rights of Way-

I can confirm that a public footpath passes close to but not within the proposed development curtilage and therefore will not be affected by the application proposal.

#### **Representations**

No letters of public representation have been received at the time of writing this report.

#### **Planning History**

None

#### **Principal Planning Constraints**

Public Right of Way

#### **Principal Planning Policies**

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

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

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

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

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

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

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

### Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage  
SP5 – Housing Developments  
SP14- Development in Flood Risk Areas  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
HP3 – Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP6 – Dwellings in the Open Countryside  
HP9 – Affordable Housing in Rural Settlements  
HP10 – Affordability Criteria  
TR2- Tourist Attractions and Development Areas  
DC9- Protection of Water Resources  
DC10- Mains Sewage Treatment  
DC11 – Non-Mains Sewage Treatment  
DC13 – Surface Water Drainage  
DC14- Flood Prevention Measures

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

Powys Residential Design Guide (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

### **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.

#### Principle of Development

The application site is located entirely outside of a settlement development limits as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6,*

HP8 or HP9'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

### Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The site itself is located adjoining the settlement development boundary for Llandyssil which is allocated as a small village under the Unitary Development Plan. Llandyssil contains a Church, Village Hall, shop and public house.

Given the location of the application site adjoining the settlement of Llandyssil which contains a number of services available along with Abermule (Key settlement) and Montgomery (Key

Settlement) in approximately 2km of the application site it is considered that a single dwelling within this location would be considered as acceptable.

### Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates a single detached dwelling.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

It is noted that there are two residential properties located directly adjoining the application site located directly to the west and south of the application site. Based on the distances involved as indicated on the indicative layout it is considered that the proposed development could safeguard the amenity of the neighbouring residential properties through careful consideration of design.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

### Highway Safety

Consent is sought for the erection of a single dwelling utilising an existing access onto the County Classified highway the C2057 which currently serves the single property of Plas Robin.

The Highway Authority has been consulted and has confirmed that they have no objections to the proposed development subject to the recommended conditions. Given however that this application is in outline with all matters reserved it is not considered appropriate to attach the recommended at this time. However, it has been demonstrated that a safe access can be

achieved for the application site and therefore in light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

It is noted that the application site is currently grazed agricultural land adjoining the dwelling Plas Robin. Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

### Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The Powys Ecologist has been consulted and notes that the application site is located within 500 metres of local records for 30 recorded protected priority species, but there were no records for the site itself.

The Ecologist has reviewed information available and confirms that the habitat present at the site of the development offers unfavourable suitable opportunities for great crested newts and has no habitat connectivity. It is therefore considered that the proposed development site would be unlikely to support great crested newts.

In light of the above and subject to the recommended appropriate condition being attached to any grant of consent it is therefore considered that the proposed development fundamentally complies with relevant planning policy. It is noted that whilst landscaping conditions have been proposed it is not considered appropriate to attach to this consent given that landscaping is a reserved matter.

### Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been split as category 3a agricultural land; this is defined as good to moderate quality agricultural land and also as non-agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3a/ non-agricultural land and taking into consideration the current housing land supply it is considered in this instance and taking into consideration the plot of land proposed that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

#### 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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Llandyssil is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Llandyssil community area the number of residents aged 3 and over in 2001 was 12.8% and in 2011 was 12.3%. Whilst there is a slight decrease in the number of Welsh Speakers it is considered that given the scale of the proposed development that the proposal would not have an unacceptable adverse impact upon Welsh language and culture.

#### **Other Planning 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.

## 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 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. 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.



## 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 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.

## Informative Notes

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt 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 a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

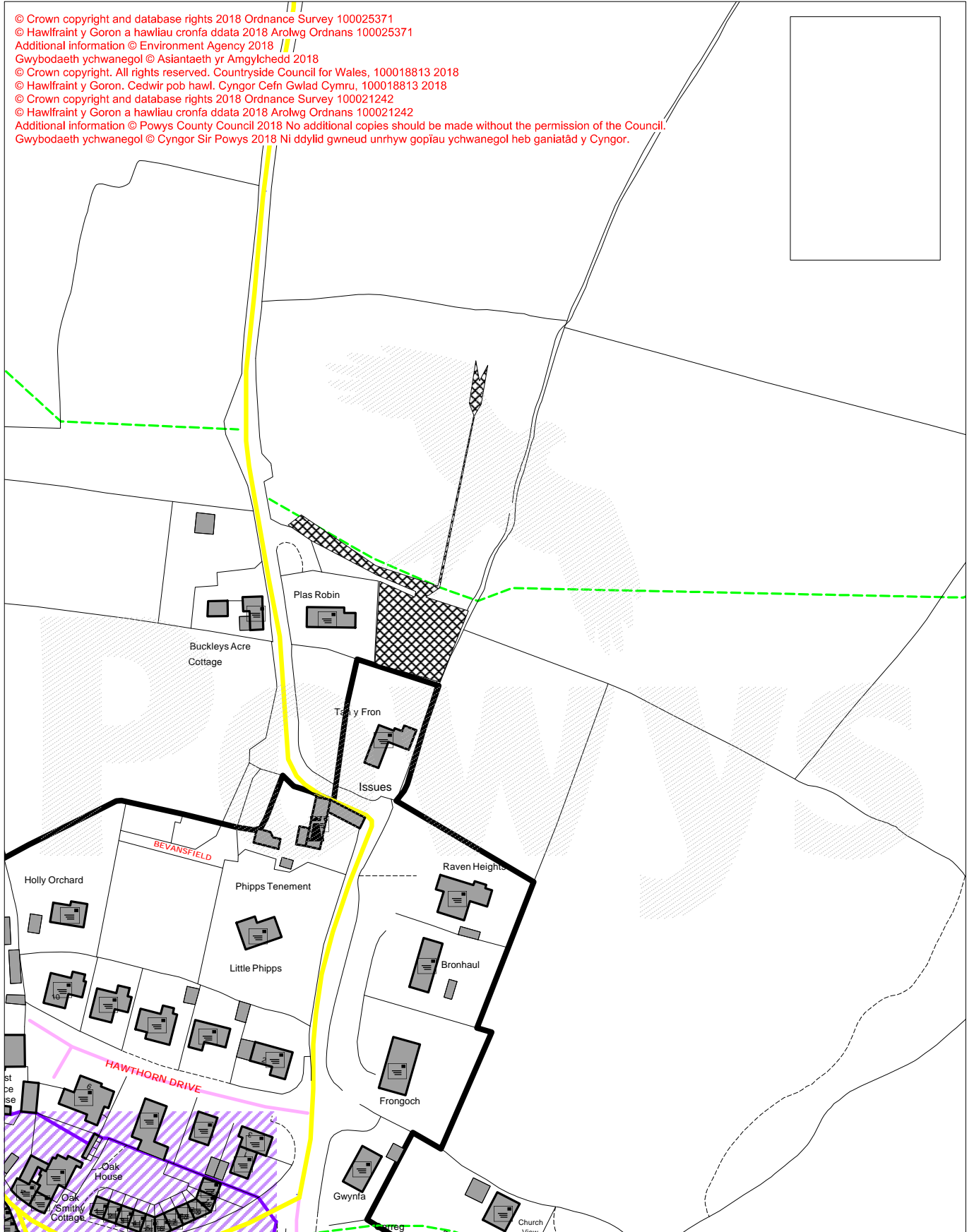
If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

---

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

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopiau ychwanegol heb ganiatâd y Cyngor.



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

# 4.17

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

<b>Application No:</b>	P/2017/1345	<b>Grid Ref:</b>	319495.92 299527.89
<b>Community Council:</b>	Berriew	<b>Valid Date:</b>	<b>Officer:</b> 15/11/2017 Gemma Bufton
<b>Applicant:</b>	Mr & Mrs Gannon, Fox Farm, Garthmyl, Montgomery, Powys, SY15 6RW.		
<b>Location:</b>	Fox Farm, Garthmyl, Montgomery, Powys, SY15 6RW.		
<b>Proposal:</b>	Outline: Erection of a dwelling and associated works including improvements to existing access		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

This application is a departure from the development plan and is recommended for approval.

### Site Location and Description

The application site is located adjoining the settlement development limits for Garthmyl within the Community Council area for Berriew. The application is located outside of any settlement boundary and is therefore considered to be a departure from the Unitary Development Plan.

The application site is located with neighbouring residential properties like to the east and west whilst to the north is agricultural land. To the south runs a private access lane in which access is then sought via an existing junction onto the A483 trunk road.

Consent is sought in outline with all matters reserved.

### Consultee Response

#### Berriew Community Council-

The Council has no objection to the application.

#### Powys Highways-

The County Council as Highway Authority

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

#### Powys Building Control-

Building regulation approval will be required.

Wales & West Utilities-

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested. Let me know if you require any further assistance.

Severn Trent Water-

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Powys Ecologist-

Thank you for consulting me with regards to planning application P/2017/1345 which concerns the outline application for erection of a dwelling and associated works including improvements to existing access at Fox Farm, Garthmyl, Montgomery.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 49 record of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the site included floating water-plantain, great crested newts, otter, grass snake, badger and bat species and Environment (Wales) Act 2016 Section 7 list bird species.

The following statutory designated sites are present within 500m of the proposed development:

- Montgomery Canal SAC/SSSI

These designated sites are located along the western boundary of the site of the proposed development, given the proximity of the proposed development to the Montgomery Canal SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or its associated features – I have attached a copy of the Screening Assessment for your records.

There are no non-statutory designated sites within 500m of the proposed development.

### Great Crested Newts

I note that there is a record of great crested newt approximately 499m south west of the proposed development site – consideration for suitability for development site to support Great Crested Newts was undertaken – Great Crested Newts being a European Protected Species.

Having reviewed information available in form of aerial images the habitat present at the site of the proposed development offers unfavourable suitable opportunities for Great Crested Newt terrestrial habitat. Given the lack of suitable habitat and lack of habitat connectivity from the pond (where great crested newts were recorded) and the proposed development site with the presence of barrier such as the Montgomery canal, A483 trunk road and residential properties between - it is considered that the proposed development site would be unlikely to support great crested newts.

### Tree and Hedgerow Replacement Plan

It appears that sections of hedgerow will be required to be removed or translocated as part of the proposed development. I also note from reviewing street view images it appears that a tree was located in the middle of the proposed development site.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to trees and hedgerow are identified an appropriate compensation strategy will be required. A Tree and Hedgerow Replacement Plan will need to be secured through an

appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of tree– details of the location, length (hedgerow) and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the trees present in the local area.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

#### Landscaping Plan

Reviewing the proposed plans new hedgerow planting is proposed for the development - consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

#### Biodiversity enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measures could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:



Prior to commencement of development a Tree and Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 unless otherwise agreed in writing with the LPA.

Reason: 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.

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.

Reason: 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.

#### Powys Land Drainage-

No response received at the time of writing this report.

#### Welsh Government Transport-

I refer to your consultation of 23/11/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no. RPP/GD-JOB39-03 and RPP/GD-JOB39-03.1).

1) The applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.

2) The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following points should be brought to the attention of the applicant:

Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.

If you have any further queries, please forward to the following Welsh Government Mailbox  
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK .

Cadw-

No response received at the time of writing this report.

### **Public Response**

No letters of public representation received at the time of writing this report.

### **Planning History**

None

### **Principal Planning Constraints**

Trunk Road A483(T)

### **Principal Planning Policies**

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

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

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

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

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

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

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

## Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage  
SP5 – Housing Developments  
SP14- Development in Flood Risk Areas  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
HP3 – Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP6 – Dwellings in the Open Countryside  
HP9 – Affordable Housing in Rural Settlements  
HP10 – Affordability Criteria  
TR2- Tourist Attractions and Development Areas  
DC9- Protection of Water Resources  
DC10- Mains Sewage Treatment  
DC11 – Non-Mains Sewage Treatment  
DC13 – Surface Water Drainage  
DC14- Flood Prevention Measures

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

Powys Residential Design Guide (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

## **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.

### Principle of Development

The application site is located entirely outside of a settlement development limits as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with

UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

### Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The site itself is located adjoining the settlement development boundary for Garthmyl which is allocated as a small village under the Unitary Development Plan. Garthmyl has a public house and is also located just 300 metres from Refail which is allocated as a large village under the UDP and includes further additional services. It also noted that Berriew a Key settlement is also located just 1km from the application site and has a range of services including a school and shops.

Given the proximity of the application site to a further large village and key settlement and also the location along the A483 trunk road which boasts good transport links it is considered that on balance that a dwelling within this location would be considered as acceptable.

## Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates a single detached dwelling.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

## Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

It is noted that there is one residential property located directly adjoining the application site located directly to the west of the application site and a further dwelling approximately 34 metres to the east. Based on the distances involved as indicated on the indicative layout it is considered that the proposed development could safeguard the amenity of the neighbouring residential properties through careful consideration of design.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

## Highway Safety

Consent is sought for the erection of a single dwelling with improvements to the existing access onto the A483 (trunk road) being upgraded.

The Highway Authority has been consulted and has confirmed they have no comments to and referred to the Welsh Government to comment on the access onto the trunk road. The Welsh Government confirmed that should permission be granted then a number of conditions should be attached to any grant of consent.

Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

## Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

It is noted that the application site is currently residential garden land for the adjoining dwelling Fox Farm. Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

## Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The Powys Ecologist has been consulted and notes that the application site is located within 500 metres of the Montgomery Canal SAC and SSSI. She also noted that there are records of great crested newts south of the application site.

The Ecologist has reviewed information available and confirms that the habitat present at the site of the development offers unfavourable suitable opportunities for great crested newts and has no habitat connectivity from the pond where the great crested newts were recorded. It is therefore considered that the proposed development site would be unlikely to support great crested newts.

A Habitats Regulations Assessment has also been completed for the application site and it has been determined that the proposed development would not result in likely significant effect to the Montgomery Canal SAC and/or its associated features.

In light of the above and subject to the recommended appropriate condition being attached to any grant of consent it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

## 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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Garthmyl is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Berriew community area the number of residents aged 3 and over in 2001 was 14.1 and in 2011 was 9.5%.

In light of the above and given the scale of the proposed development it is considered that the proposal will not have an unacceptable adverse impact upon Welsh language and culture.

## **Other Planning 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.

### 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 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. The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no: RPP/GD-JOB39-03 and RPP/GD-JOB39-03.1)
5. Prior to the commencement of development a wheel-washing facilities or an appropriate alternative method shall be submitted to and approved in writing by the Local Planning Authority. The facilities as agreed shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.
6. Prior to the first installation of any external lighting an external lighting design scheme shall be submitted to and agreed in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

### Reasons

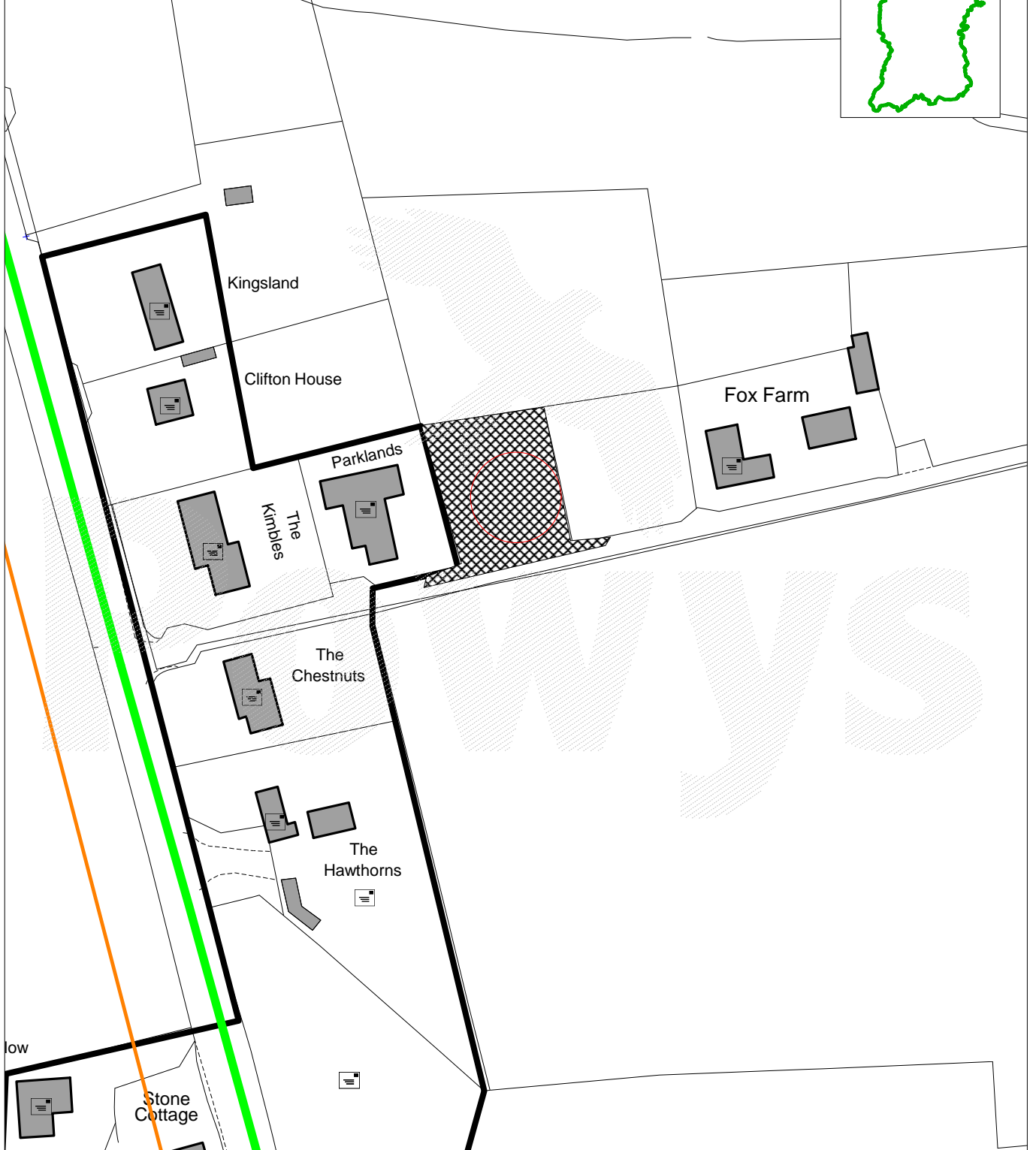
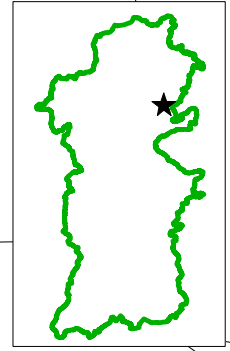
1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and 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 interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.

---

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



a © Crown copyright and database rights 2018 Ordnance Survey 100025371  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
Additional information © Environment Agency 2018  
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
© Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
© Crown copyright and database rights 2018 Ordnance Survey 100021242  
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopiau ychwanegol heb ganiatâd y Cyngor.



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

# 4.18

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

<b>Application No:</b>	P/2017/1241	<b>Grid Ref:</b>	296088.12 296572.33
<b>Community Council:</b>	Carno	<b>Valid Date:</b>	<b>Officer:</b> 24/10/2017 Dunya Fourie
<b>Applicant:</b>	Powys County Council		
<b>Location:</b>	Ysgol Gynradd, Carno, Llanbrynmair, Powys, SY17 5LH.		
<b>Proposal:</b>	Full: Replacement primary school; relocation of existing public playground equipment and biomass boiler and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

This application is submitted by Powys County Council.

### Site Location and Description

The application site concerns Carno school, which is located centrally within the settlement. The surrounding land uses comprise community centre and play area to the north, access route off the A470 and car park to the east and housing development to the west.

This application seeks consent for the construction of a replacement primary school. The replacement school would provide the following accommodation; 3 classrooms, shared group space, administrative offices, staff room, plant room, cloakroom, toilets and kitchen. The construction of the proposed school comprises a single storey building, constructed from facing brickwork and fibre cement weather boarding elevations with upvc windows and doors under profiled tile roof. The dimensions of the school include 15m in width, 34m in length and 5m to ridge height.

The application also seeks consent for the demolition of the existing demountable school and relocation of the boiler and existing play equipment.

### Consultee Response

Carno Community Council

*Letter of 21<sup>st</sup> November 2017*

No Objection with Comments

The Community Council wishes to record that a new school in Carno will make a major contribution to ensuring the future well-being of the community.

## Wales and West Utilities

*2<sup>nd</sup> November 2017*

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

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

## Severn Trent

*Email of 10<sup>th</sup> November 2017*

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

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

## Powys Environmental Health

*E mail of 13<sup>th</sup> November 2017*

Thank you for your consultation in respect of this application, I can confirm I have no objection.

## Powys Ecologist

*Email of 26<sup>th</sup> January 2018*

The preliminary assessment found no evidence of roosting bats and the structure proposed for demolition was found to have negligible potential to support roosting bats due to lack of potential access points and suitable features.

*Email of 23<sup>rd</sup> November 2017*

The proposals as described do not appear to fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The proposals appear to be located within the grounds of the existing school building to be demolished, and an area of amenity grassland. There appears to be a hedgerow in the southwest corner of the site and a mature tree located along the southern boundary but the plans indicate that these features are to be retained.

## Bats

There are records of pipistrelle, Daubenton's and brown long-eared bats within 1km of the proposed works.

Bat roosts are often associated with roofs, both internally using the loft void and externally, particularly utilising suitable roosting opportunities associated with the ridge and edges of the roofs.

No ecological information has been submitted with the application and it is considered that there is a possibility of bat roosts being present, given the proximity of trees and hedgerows, the tree-lined watercourse and woodland habitat to the northeast and the age of the property to be demolished. Therefore, it is considered that there is insufficient information with regard to potential impacts on bats, which are European protected species, to determine this application.

Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust. It is not considered that any other European Protected Species would be affected by this development.

## Nesting Birds

Buildings often provide nesting opportunities for a variety of bird species, such as swallow, swift, house martin and house sparrow. There are records of house sparrow within 1km of the proposed works. The Preliminary Bat Assessment requested above should therefore also record the presence and location of any old/active birds' nests visible on the building. Ideally the demolition works should be timed to avoid the bird nesting season (late February to late September for some house-nesting species), or if this is not possible, a suitably qualified ecologist should check for nests immediately prior to the demolition works and if any active nests are found, the works must be postponed until all broods have fledged (see Informative in Recommended Conditions Section below).

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

A number of bat species and bird species that have been known to nest in buildings such as house sparrow, are listed on Section 7 of the Environment (Wales) Act 2016. There are records of pipistrelle, Daubenton's, brown long-eared bats and house sparrows within 1km of the proposed works. Any suitable habitat for roosts/nests of these species within the existing building should be replaced by provision of bat and bird boxes on the new building. Even if no potential currently exists, such boxes should be provided as an enhancement for biodiversity. The Preliminary Bat Appraisal requested above should make recommendations for appropriate enhancement/compensatory measures.

A mature tree located along the southern boundary of the site is likely to support a range of species and provide potential foraging habitat for bat and bird species for example. It is therefore recommended that this tree is retained as its loss would reduce the biodiversity value of the site. Measures should therefore be taken to protect the tree during the construction period, in accordance with BS5837:2012.

A number of bat species and bird species that have been known to nest in buildings, such as house martin, are listed as species of conservation concern on the Powys LBAP. See comments under Section 7 Species above.

Due to the location and nature of the proposed works, it is unlikely that invasive non-native species are likely to be affected, but the Preliminary Bat Assessment requested above should also record any non-native invasive plant species present at the site.

The mature tree located within the boundary along the south side of the site should be protected during the works in accordance with BS5837:2012.

A Preliminary Bat Assessment is required, as discussed in the European Species section above, which should also include details of any nesting birds and invasive non-native plant species that may be recorded during the site survey.

Recommended conditions will be provided on the receipt of the additional information requested above.

## Informatives

### Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

### Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

### Welsh Government Transport

#### Letter of 7<sup>th</sup> November 2017

I refer to your consultation of 1<sup>st</sup> November 2017 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

- 1) The applicant must provide the existing and proposed Annual Average Daily Traffic (AADT - vehicle movement values) for the access onto the A470 trunk road.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@Gov.Wales](mailto:NorthandMidWalesDevelopmentControlMailbox@Gov.Wales)

*Letter of 5<sup>th</sup> February 2018*

I refer to your consultation of 1 November 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Highway Authority

*Email of 7<sup>th</sup> November 2017*

It has been noted that the replacement primary school will have a significantly larger footprint, with no Transport Assessment having been submitted with the application.

We therefore require further information for this application to show the number of additional pupils who will be attending the new school, compared with the number of pupils currently at the school.

Please could you also request a plan to clearly display the number of parking spaces within the site.

*Letter of 20<sup>th</sup> December 2017*

Wish the following recommendations/Observations be applied  
Recommendations/Observations

The Highways Authority do not have an objection to this development, provided the parking layout remains as per drawing number P6011/6/7A. And the following condition is attached to the decision notice.

Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.

CPAT

*E mail of 6<sup>th</sup> November 2017*

I can confirm that there are no archaeological implications for the proposed replacement school and playground at this location.



As the development will be located within 60 metres of the scheduled monument SM MG052 (Caer Noddfa Medieval Enclosure) Cadw should be consulted via [amadminplanning@wales.gsi.gov.uk](mailto:amadminplanning@wales.gsi.gov.uk) in case they wish to comment on potential setting impacts.

## **Representations**

A site notice was erected at the entrance to the school, no decision was made for a continuous period of 21 days from the date of the site notice. No third party responses have been received.

## **Planning History**

P/2008/0216-Installation of wood pellet boiler and erection of a fence. Conditional consent granted 16<sup>th</sup> April 2008

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (9<sup>th</sup> Edition, November 2016)  
Technical Advice Note 5-Planning and Nature Conservation (2009)  
Technical Advice Note 12-Design (2016)  
Technical Advice Note 18-Transport (2007)  
Technical Advice Note 20-Planning and the Welsh Language (2017)  
Technical Advice Note 23- Economic Development (2014)  
Technical Advice Note 24- The Historic Environment (2017)

### Local planning policies-

#### Unitary Development Plan for Powys (March 2010)

UDP SP1-Social, Community and Cultural Sustainability  
UDP SP2-Strategic Settlement Hierarchy  
UDP SP6-Development and Transport  
UDP SP9-Local Community Services and Facilities  
UDP GP1-Development Control  
UDP GP3-Design and Energy Conservation  
UDP GP4-Highway and Parking Requirements  
UDP ENV3-Safeguarding Biodiversity and Natural Habitats  
UDP ENV7-Protected Species  
UDP T2-Traffic Management  
UDP T3-Transport Assessment and Travel Plans  
UDP CS5-Educational Developments  
UDP DC10-Mains Sewerage Treatment  
UDP DC13-Surface Water Drainage Treatment

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**

### 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.

### Principle of Development

The reasoned justification for policy CS5 supports new education facilities in locations convenient to the main residential areas. Policy CS5 supports the extension or improvement of existing schools where located in accordance with the sustainable strategic settlement hierarchy.

Carno is designated in the UDP as a key settlement within the UDP and the location of the replacement school is on the same site as the existing school. The site is well connected in terms of its close proximity to residential development, access and community facilities.

The proposal therefore complies with policy CS5 and SP2 and the principle of a new school in the proposed location is considered acceptable, subject to detailed policy considerations,

### Design and External Appearance

Policy GP1 and GP3 supports development which makes a positive contribution to the local environment and community through imaginative and good quality design, layout, materials and landscaping.

The proposed school would replace the existing demountable unit with a permanent structure. The exterior of the building is to partly be finished with red brick facing and fibre cement cladding, this surface finish would be in keeping with the appearance of the community centre and nearby houses.

The proposed external appearance of the proposed school is therefore considered acceptable and would make a positive contribution to the appearance of the area.

The scale of the proposed school is larger than the unit it replaces. The additional floor area would accommodate more classrooms and facilities. The proposed building would be accommodated within the school grounds, however the footprint of the building would be brought in line with the community centre and the existing play-ground and biomass boiler would be relocated to where the existing building is located. The proposed site layout continues to make good use of the site and the proposed location of the school would group the built features.

The proposed design and layout of the site is considered in accordance with policies GP1 and GP3 of the UDP and as such is acceptable.

### Highway Safety

Access to the site is off the A470 Trunk Road and the on- site access and parking facilities are shared with the community centre and associated playing fields. The size of the proposed school is larger than the existing and as such has the potential to accommodate more pupils and additional traffic movements to the site.

The highway authority and Transport Wales were consulted regarding their areas of responsibility. Additional information was submitted as requested by the agencies:

- Transport Assessment detail the number of additional pupil numbers and a plan showing parking spaces
- Provide existing and proposed annual average day traffic (AADT-vehicle movement values) for the access off the A470 trunk road

The highway authority confirmed they raise no objection to the proposed school provided the works are carried out in accordance with the parking plan submitted and subject to the submission and approval of a construction management prior to development commencing.

Transport Wales confirmed on the 5<sup>th</sup> February 2018 they raise no objection to the potential intensified use of the existing access of the trunk road.

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

#### Biodiversity

The proposal would result in the removal of the existing demountable school, the unit has the potential to support bats and removal of the structure could result in disturbance or habitat loss for any bats using the unit.

A preliminary ecological assessment was undertaken by Powys County Council, dated January 2018. The report concluded the area had low ecological value and the demountable school had negligible potential to support roosting bats and therefore removal of the structure would not have an adverse impact on biodiversity.

In light of the above the proposed development is in accordance with Powys Unitary Development Plan policies ENV3 and ENV7.

#### Foul and Surface Water Treatment

Policy DC10 supports discharge of sewerage to the main sewerage system where the infrastructure is available.

Carno is a sewered area and the application proposes to connect to the mains sewerage system, this method is in accordance with policy. The Environmental Health authority and Severn Trent Water raise no objection to the connection provided the recommended conditions form part of any forthcoming consent.

It is noted that surface water should also not be allowed to discharge into the foul sewerage system, as such Severn Trent Water advise a condition of any forthcoming consent is

included requiring a scheme for the discharge of surface water to be submitted and approved.

In light of the above and subject to appropriately worded conditions it is considered that the proposed development can be managed to an acceptable level.

### Built Heritage

Policy ENV17 recognises that archaeological remains are a finite, non-renewable resource, the policy criteria therefore considers appropriate protection and management essential to ensure that archaeology survives in good condition and care is taken to see that it is not needlessly destroyed.

The site is approximately 60m south of the scheduled ancient monument; SM MG052 (Caer Noddfa Medieval Enclosure). The SAM is on the adjacent side of the trunk road to the proposed school site and is separated by an intervening playground. CPAT and Cadw have been consulted. Whilst CPAT have been confirmed they have no objection to the proposed development no response has yet been received from Cadw.

An update will therefore be provided to Members prior to the meeting.

### **Other Planning 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.

Carno is a settlement where the Welsh language is identified as an important part of the community fabric. The proposed school would accommodate more pupils and provide a permanent school building, it is considered this development would have a positive impact on supporting the Welsh language and culture in Carno.

### 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**

The proposed development considered to fundamentally comply with relevant planning policy and the recommendation is therefore 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 approved plans, references include existing site plan (P6011/6/3A), Proposed site plan (P6011/6/7A), Proposed site plan during construction of replacement school (P6011/6/8B), Proposed elevations (P6011/6/6), Proposed floor plans (P6011/6/5), site levels and landscaping plan, proposed site location plan (P6011/6/9), existing school floor plan (6011\_6\_1), 5
3. Prior to the commencement of any other development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.
4. Notwithstanding the information submitted with the application, a scheme for the discharge of foul and surface water treatment shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

### **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 to accord with Planning Policy Wales (9th Edition, November 2016) and Powys Unitary Development Plan policies GP1 and GP4 (2010)

4. In order to ensure the development is served by an appropriate means of foul drainage and to ensure the development would not exacerbate surface water flooding and to accord with Planning Policy Wales (2016) and Powys Unitary Development Plan policies DC10 and DC13 (2010)

---

Case Officer: Dunya Fourie- Planning Officer  
Tel: 01597 82 7319 E-mail:dunya.fourie@powys.gov.uk



© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018.  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018.  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242.  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.

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



# 4.19

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

**Application No:** P/2017/1266

**Grid Ref:** 324018.63  
308905.84

**Community Council:** Welshpool

**Valid Date:** 30/10/2017  
**Officer:** Luke Jones

**Applicant:** Mr & Mrs E Turner, Rhallt Lane, The Uplands, Buttington, Welshpool, Powys, SY21 9HS

**Location:** Land forming part of Rhallt Field, Rhallt Lane, Buttington, Powys, SY21 9JP

**Proposal:** Outline: Erection of one detached dwelling and garage, creation of new vehicular access and installation of septic tank (all matters reserved)

**Application Type:** Application for Outline Planning Permission

### The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

### Site Location and Description

The application site lies within the open countryside as defined by the Powys Unitary Development Plan (2010). It is located northwest of Welshpool approximately 600 metres from the designated settlement boundary for Welshpool and approximately 120 metres north of the Buttington Cross Enterprise Park. The site is to be accessed by a new access point off the county highway (U2209) to the south. The nearest neighbouring residential properties are located approximately 18 metres to the south. The site has neighbouring dwellings to the south with agricultural fields surrounding.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of a dwelling and detached garage, formation of vehicular access and all associated works. This outline application is made with all matters reserved. An indicative layout of the site and scale of the dwelling proposed are given. The proposed site adjoins the recently approved residential dwelling, P/2017/0647.

### Consultee Response

#### Welshpool Town Council-

The Council objects to this application on the following grounds:

The development is outside the development boundary with no exceptions reasons to suggest that this policy should not be upheld.

The approval of the site adjacent has set a precedent which is wrong and has led to further 'ribbon development'

If more plots are developed it will create more traffic on a road which is unsuitable taking into account the hump back bridge over the canal.

#### PCC - Highways

24<sup>th</sup> November 2017 –

The County Council as Highway Authority for the County Unclassified Highway, U2209

Wish the following recommendations/Observations be applied

Recommendations/Observations

This application should be deferred.

#### Reasons for Deferral

Whilst the Highway Authority do not object to the principle of development, we do note that the applicant seeks to stop up an existing field gate and relocate this internally within the development, with the latter being excluded from the red line application site. A revised plan should be submitted showing the proposed field gate within the red line.

The proposed access will require alteration over that conditioned under P/2017/0647 to reflect the addition of the agricultural access.

Any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for both the proposed residential and agricultural accesses.

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

*Additional comments received 11<sup>th</sup> January 2018 –*

The County Council as Highway Authority for the County Unclassified Highway, U2209

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 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.

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

The centre line of the first 10 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.

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.

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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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.

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.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 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.

Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

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 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

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.

Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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.

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

Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

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.

#### PCC - Building Control

Building Regulations application required.

#### Wales and West Utilities

Wales & West Utilities have been made aware of a planning application on 09.11.2017 , advising us of the proposals at:

Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive\_list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its\_role as a Licensed Gas Transporter (GT).Gas pipes owned by other GT's and also privately owned pipes may be\_present in this area. Information with regard to such pipes should be obtained from the owners. The information shown\_on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes,\_valves, syphons, stub connections, etc., are not

shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities apparatus may be directly affected by these proposals and the Information you have provided has been forwarded to Asset Management for their comments. If Wales and West are affected an Engineer will then contact you direct.

Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

You must not build over any of our plant or enclose our apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

### Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

### Cllr Francesca Jump

As the local county councillor I support this application. The application site lies within the settlement of Buttington. The new grass verge will improve the safety of drivers using Rhaltt Lane by increasing visibility.

### Built Heritage

Thank you for consulting me on the above application. I note the recently approved outline application adjoining the application site P/2017/0647

The proposal is for outline consent with all matters reserved on land adjacent to a number of listed buildings namely;

Bridge 115 over the Montgomeryshire Canal Cadw ID 16752 included on the statutory list on 29/02/1996

Buttington Limekilns Cadw ID 16753 included on the statutory list on 29/02/1996

Mount Pleasant Cadw ID 16754 included on the statutory list on 29/02/1996

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

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

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
  - its comparative significance;
  - the impact on that significance; and
  - the benefits to the asset itself and/or the wider community or society as a whole.

"Conservation principles" establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

#### Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The application site is currently steeply sloping grassland.

The listed canal bridge and the limekilns are evidently linked to the lime kilns that were erected adjacent to the Montgomery Canal. The unlisted properties opposite the site are called Canal Cottages and presumably associated with the canal.

#### Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them.

The site appears to have been undeveloped for some time as the Historic Environment Record for the area identifies the site or adjacent to the site as being part of a medieval field system. (PRN64692)

#### Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The site is an undeveloped field in close proximity to the Montgomeryshire Canal and the canal and its associated historic assets are a valuable academic resource relating to the history of transport and agricultural improvement of this part of Montgomeryshire, while its setting and appearance evoke a sense of the past.

#### Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The canal and its towpath can be accessed by visitors to the canal and the towpath is a leisure route for locals and tourists alike. The limekilns are available to view from the exterior adjacent to a car park where the canal a bridge and the lime kilns form an interesting collection of canal related structures available for the public to visit.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that

has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The listed canal bridge and lime kilns are set at a lower level than the application site. The steeply sloping field to which the application relates means that the proposed dwelling will be elevated above the canal.

The site is on lower ground than Mount Pleasant and from the public road that serves Mount Pleasant the new dwelling and the listed building will be both visible from a single viewpoint. However the proposed new dwelling will be roughly associated with the Canal Cottages by virtue of their proximity.

The proposed access requirements require a large proportion of the hedgerow to be removed to provide visibility splays which will have some impact on the local character, however I note that the hedgerow adjacent to the listed canal ridge and limekilns are to be retained.

As the application is made in outline it is the principal of the development that is being considered and not the design which is a reserved matter. The proposal has the potential to affect the setting of the listed buildings by an inappropriate design for the location. However it also has the potential to enhance the character and appearance of the area by an appropriate design.

In this instance given the listed buildings are associated with the canal and the Design and Access Statement has indicated that the design of the proposed property will respect and reflect the local style and character of the surrounding properties which with the exception of Mount Pleasant were associated with the canal, the proposal if designed to respect and reflect the local style and character could enhance the local character.

As such I would not wish to object to the proposal on the setting in respect of the setting of listed buildings.



## PCC - Environmental Health

15<sup>th</sup> November 2017 –

It is important to establish, even for outline applications, that the ground conditions at the site are going to be suitable for the type of foul drainage system that is being proposed. Therefore, please can the applicant/agent submit percolation test results in order to demonstrate that the ground conditions are suitable for a foul drainage field, and to determine the area of land required to accommodate it? The tests should be carried out in accordance with the methodology in document H2 of the Building Regulations.

*Additional comments received 2<sup>nd</sup> January 2017 –*

Thank you for forwarding the percolation test results for the foul drainage. I am satisfied that the ground conditions are suitable, therefore I have no objection to the application.

## Canal & River Trust

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandŵr Cymru has reviewed consultation. This is our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended. Based on the information available we have no comment to make.

## PCC - Ecologist

<b>Planning Application Reference</b>	P/2017/1266
<b>Project Name / Description</b>	Outline: Erection of one detached dwelling and garage, creation of new vehicular access and installation of septic tank (all matters reserved) at Land forming part of Rhallt Field Rhallt Lane, Buttington, Powys.
<b>Consultation Deadline</b>	29/11/2017

Ecological Topic		Observations
<b>EIA Screening Opinion needed?</b>	No	Whilst the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 it does not exceed the applicable thresholds and criteria specified in the Regulations.
<b>Ecological Information included with application?</b>	Yes	An extended Phase 1 Habitat Survey by Arbor Vitae Environment Ltd. (2017) has been submitted with the application. These observations are based on an interpretation of the plans provided and available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.  The proposed development site is described as being an area of permanent, improved grassland used for grazing cattle, bounded by an unmanaged native mixed species hedgerow.
<b>Protected Species &amp; Habitats<sup>1</sup></b>	European Species <input checked="" type="checkbox"/>	There are historical records of various bat species within 1km of the proposed development, including pipistrelle bats (1000m) and brown long-eared bats (650m). Other European species recorded within 1km of the proposed development are otters (65m) and Great Crested Newts (800m).

		<p>The Phase 1 Extended Habitat Survey confirms that there are no breeding sites for Great Crested Newts within 250m of the proposed development and confirms that this species would not be affected by the proposal.</p> <p>Otters have been recorded within 65m of the proposed development site. However, other than hedgerows along the public road, the report confirms that there is no suitable lying up habitat within the development site, and it is confirmed that it is unlikely that otters would use the site, and therefore confirms that it is unlikely that otters would be affected by the proposal.</p> <p>With regard to bats, the report confirms that there are no trees on site which contain suitable features for bats. However, the hedgerow provides suitable foraging and commuting habitat, and is likely to be used by bats. Significant removal of the hedge and/or increased illumination on site would affect bat behaviour.</p> <p>It is recommended that artificial external lighting should be designed to minimise illumination of the roadside tree line and hedgerow. Any external lighting scheme proposed as part of the development should be approved by the LPA before works starts.</p>
	UK Species <input checked="" type="checkbox"/>	<p>There are historical records of a variety of bird species within 1km of the proposed work including Song Thrush (800m), <u>Dunnock</u> (300m) and Bullfinch (300m). There are also historical records of badgers within 1km of the proposed work, with the closest record being within 770m.</p> <p>It is likely that birds will be using the hedgerows on site for nesting during the breeding season (March to August inclusive). I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The Extended Phase 1 Survey Report (<u>Arbor</u> Vitae Environment Ltd, 2017) confirms that there are no badger setts located within 50m of the proposed site and that there is no evidence of badgers using the proposed development site.</p>

		<p>Although there are no historical records, the hedgerow that borders the site could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.</p>
	Section 7 Species & Habitats <input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>A section of hedge will need to be removed in order to create an access to the plot. Hedgerow is a Section 7 habitat of principal importance for the purpose of conserving biodiversity in Wales. Therefore, in order to keep the established hedge and associated ground flora, translocation of existing hedgerows should be considered, and the amount of hedge affected should be kept to a minimum.</p> <p>To ensure that there is no net loss in biodiversity a new hedgerow should be planted around the boundary of the proposed development as indicated in the proposed site plan (RPP/RC-JOB55/2-03). No specification for the site planting has been provided, and this should be submitted for approval prior to commencement of development. Whilst additional planting will provide additional nesting habitat in the long-term, in the short-term it is recommended that bird boxes are installed. As a further enhancement measure bat boxes should be installed on adjacent retained trees, as recommended in the Extended Phase 1 Survey Report. These biodiversity mitigation / enhancement measures should be incorporated into a biodiversity enhancement plan and submitted to the LPA for approval.</p>
	LBAP Species & Habitats <input checked="" type="checkbox"/>	<p>Please see the comments above.</p>

<b>Protected Sites</b>	International Sites (within 1km) <input checked="" type="checkbox"/>	<p>Montgomery Canal SAC is located approximately 60m south-east of the proposed development. Given the proximity of the development to this designation, the potential for construction and operational phases of the development to result in a Likely Significant Effect on Montgomery Canal SAC and/or its associated features has been considered.</p> <p>Having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or its associated features – a copy of the HRA Screening Report is attached.</p>
	National Sites (within 1km) <input checked="" type="checkbox"/>	<p>Montgomery Canal SSSI is also located approximately 60m south-east of the proposed development. Montgomery Canal SSSI is encompassed by Montgomery Canal SAC. See above.</p>
	Local Sites (within 500m) <input type="checkbox"/>	<p>There are no Local Sites within the search area.</p>
<b>Invasive Non-Native Species</b>	<b>No</b>	<p>None identified in the Extended Phase 1 Survey Report.</p>
<b>Recommendations</b>		<p>It is recommended that artificial external lighting should be designed to minimise illumination of the roadside tree line and hedgerow. Any external lighting scheme proposed as part of the development should be approved by the LPA before works starts.</p> <p>It is likely that birds will be using the hedgerows on site for nesting during the breeding season (March to August inclusive). I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The hedgerow that borders the site could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological</p>

	<p>supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.</p>
<b>Further information required prior to determination of application</b>	<p>Sufficient information has been provided to determine the application.</p>
<b>Recommended Conditions</b>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to first occupation of the dwelling, the Recommendations identified in Section 6 of the Extended Phase 1 Habitat Survey Report produced by <a href="#">Arbor Vitae Environment</a> shall be implemented and maintained thereafter.</i></p> <p><u>Reason:</u> 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.</p> <p><i>No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall identify measures to avoid impact on nocturnal wildlife. The development shall be carried out in accordance with the approved detailed.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless</i></p>

	<p>otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 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.</p> <p><i>Prior to the commencement of development a detailed method statement for the realignment of the hedgerow which bounds the site along <u>Rhallt Lane</u> shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall also include a timetable for the proposed works and all realignment works shall take place in accordance with the approved details.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 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.</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2 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.</p> <p><i>Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature</p>
--	---

	<p>Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><b><u>Informatives</u></b></p> <p><b>Birds - Wildlife and Countryside Act 1981 (as amended)</b></p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> <li>• intentionally kill, injure or take any wild bird</li> <li>• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built</li> <li>• intentionally take or destroy the egg of any wild bird</li> <li>• intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.</li> </ul> <p>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.</p> <p>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.</p> <p><b>Reptiles - Wildlife &amp; Countryside Act 1981 (as amended)</b></p> <p>All UK native reptile species are protected by law. The Wildlife &amp; Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass</p>
--	--

	snake, and adder are protected against deliberate or reckless killing and injury  All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
<b>Relevant UDP Policies</b>	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species

<b>Document Author</b>	Eifion Glyn Davies	<b>Approved by</b>	Chris Jones
<b>Version</b>	1	<b>Approved Date</b>	07/12/2017

## Representations

Following the display of a site notice on 23<sup>rd</sup> November 2017, there have been no public representations received.

## Planning History

P/2017/0177 - Outline - Erection of a detached dwelling, formation of vehicular access and all associated works, Refused

P/2017/0647 - Outline: Erection of a dwelling and detached garage, formation of vehicular access and all associated works, Conditional Consent 25/08/2017

## Principal Planning Constraints

None as per GIS

## Principal Planning Policies

### National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)  
 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) 20 – Planning and the Welsh Language (2013)  
 Technical Advice Note (TAN) 23 - Economic Development (2014)  
 Technical Advice Note (TAN) 24 – The Historic Environment (2017)

### Local Policies

SP2 – Strategic Settlement Hierarchy  
 SP4 – Economic and Employment Developments

SP5 – Housing Developments  
SP6 – Development and Transport  
GP1 – Development Control  
GP2 – Planning Obligations  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
ENV14 – Listed Buildings  
HP3 - Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 - Residential Development  
HP6 - Dwellings in the Open Countryside  
HP8 - Affordable Housing Adjoining Settlements with Development Boundaries  
DC3 – External Lighting  
DC8 – Public Water Supply  
DC11 – Non Mains Sewage Treatment  
DC13 – Surface Water Drainage

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**

### 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.

### Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

### Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that ‘*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*’

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The development site is approximately 0.5 mile northeast of Welshpool which is identified in the UDP as an Area Centre. Welshpool is served by a wide range of community services and facilities including a hospital, secondary school, primary schools, leisure centre, library, museum, numerous shops and public houses. It is also easily accessible by public transport with regular bus services and a main line railway station.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwelling will be located approximately 18.5 metres from the nearest neighbouring residential dwelling to the southeast with the county highway between. The proposed dwelling will be located approximately 22 metres away from the previously approved dwelling.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the planting of additional trees and new hedgerows on the front and rear boundaries of the site. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite to existing dwellings within the area, that landscaping measures would reduce the visual impact of the proposed dwelling on the surrounding area. The proposed dwelling will be sited adjacent to the recently approved dwelling under planning reference P/2017/0647 which will also help reduce the dwellings impact on the landscape.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.



## Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2058 via an existing access.

The Highway Authority has been consulted on this application and requested a revised plan should be submitted showing the proposed field gate within the red line. The Highways officer noted any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for both the proposed residential and agricultural accesses.

The agent sent in amended plans addressing the alterations requested by the Highways officer. The Highway Authority was consulted on the amended plans and raised no objections to the development but have suggested a number of conditions regarding entrance gates, parking provision and access construction methods and materials. The application is made with all matters reserved with the site layout plan being provided for indicative purposes only and, as such, the details of the access are not to be determined at this stage. It is, therefore, not necessary to include the suggested highways conditions on this application.

In light of the Highway Officer's comments it is considered that a safe access can be achieved and the proposed dwelling, therefore, fundamentally complies with Policy GP4 of the Powys Unitary Development Plan 2010.

## Ecology

With respect to Biodiversity, specific reference is made to UDP policies ENV3 and ENV7. An extended Phase 1 Habitat Survey by Arbor Vitae Environment Ltd. (2017) has been submitted with the application. The proposed development site is described as being an area of permanent, improved grassland used for grazing cattle, bounded by an unmanaged native mixed species hedgerow.

With regard to bats, the report confirms that there are no trees on site which contain suitable features for bats. However, the hedgerow provides suitable foraging and commuting habitat, and is likely to be used by bats. The Ecologist noted the significant removal of the hedge and/or increased illumination on site would affect bat behaviour.

The Extended Phase 1 Survey Report (Arbor Vitae Environment Ltd, 2017) confirms that there are no badger setts located within 50 metres of the proposed site and that there is no evidence of badgers using the proposed development site.

Montgomery Canal SAC is located approximately 60 metres south-east of the proposed development. The Ecologist noted given the proximity of the development to this designation, the potential for construction and operational phases of the development to result in a Likely Significant Effect on Montgomery Canal SAC and/or its associated features has been considered.

The Ecologist noted having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the

Montgomery Canal SAC and/or its associated features as evidenced within the HRA Screening Report which has been produced.

No objection has been raised by the Ecologist; however the inclusion of several conditions has been recommended to secure the recommendations identified in the Habitat Survey, and submission of a Landscaping and Management Plan, an External Lighting Design Scheme, and a detailed method statement for the realignment of the hedgerow. In terms of the landscaping plan it is noted that this is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

### Built Heritage

The planning authority is required to have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Three listed buildings/structures have been identified within 400 metres of the application site: The bridge over the Montgomeryshire Canal, Buttington Limekilns, and Mount Pleasant.

As part of this application process the Powys Built Heritage Officer has been consulted following a site visit and has provided the comments as above. The Built Heritage officer noted given the listed buildings are associated with the canal and the Design and Access Statement has indicated that the design of the proposed property will respect and reflect the local style and character of the surrounding properties which with the exception of Mount Pleasant were associated with the canal, the proposal if designed to respect and reflect the local style and character could enhance the local character. The Built Heritage officer raised no objection to the proposed development

In light of the above and the Built Heritage Officer's comments it is considered that the development fundamentally complies with policy ENV14 of the Powys Unitary Development Plan (2010), Planning Policy Wales (9<sup>th</sup> Edition, 2016) and Technical Advice Note 24 – The Historic Environment (2017).

### Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, the submission indicates that this would be disposed of through the use of soakaways. As part of this application process percolation test results have been submitted and the Council's Environmental Health Officer has been consulted. The Officer has no objections to the drainage as proposed.

It is considered that, in light of the Land Drainage Officer's comments, the proposed development fundamentally complies with policy DC13 of the Powys Unitary Development Plan 2010 in respect of surface water drainage.

### 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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Welshpool has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Welshpool Gungrog Ward reported that 11.8% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 13.8% of the population of Welshpool Gungrog spoke Welsh. Whilst there are limited facilities in the area the development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

### Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as categories 3b and 4 agricultural land; these categories are defined as moderate quality and poor quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

"In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

In light of the lands classification of categories 3b and 4 it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

### **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.

## 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 – Conditional Consent**

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is on balance 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 strictly in accordance with the plans stamped as approved on XXXXXX in so far as the extent of the application site is drawn.

5. Prior to first occupation of the dwelling, the Recommendations identified in Section 6 of the Extended Phase 1 Habitat Survey Report produced by Arbor Vitae Environment shall be implemented and maintained thereafter.

6. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall identify measures to avoid impact on nocturnal wildlife. The development shall be carried out in accordance with the approved detailed.

7. Prior to the commencement of development a detailed method statement for the realignment of the hedgerow which bounds the site along Rhallt Lane shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall also include a timetable for the proposed works and all realignment works shall take place in accordance with the approved details.

8. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement 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. 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

6. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 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.

8. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

### **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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

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

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

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

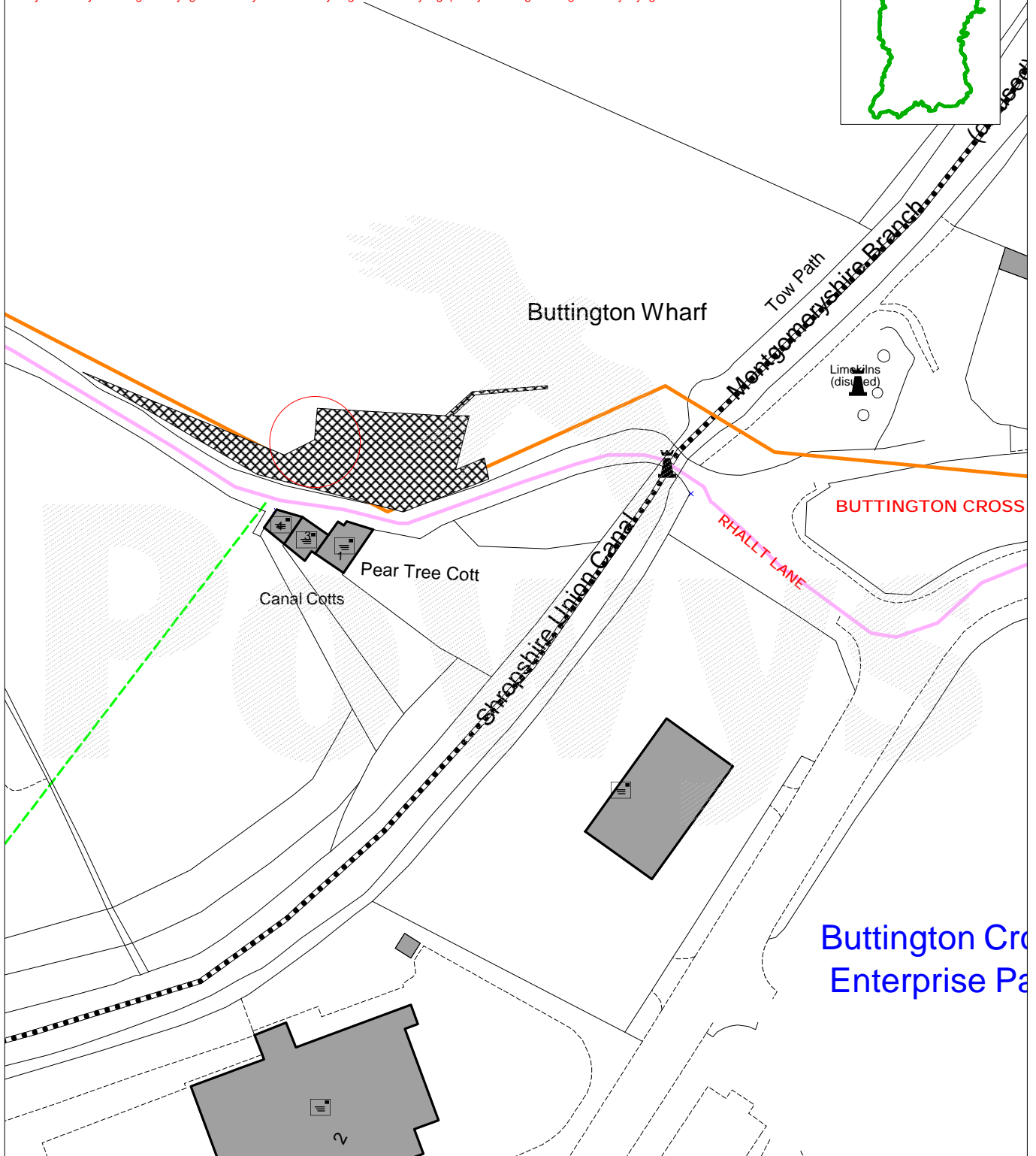
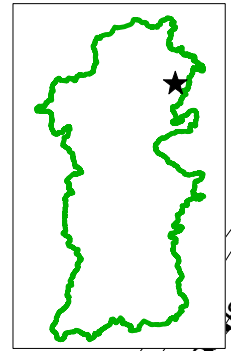
---

Case Officer: Luke Jones- Planning Officer  
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk

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



© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopiau ychwanegol heb ganiatâd y Cyngor.



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

# 4.20

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

<b>Application No:</b>	P/2017/1249	<b>Grid Ref:</b>	322545.74 307473.89
<b>Community Council:</b>	Welshpool	<b>Valid Date:</b>	<b>Officer:</b> 29/11/2017 Luke Jones
<b>Applicant:</b>	Powys County Council		
<b>Location:</b>	2 Severn Street, Welshpool, Powys, SY21 7AB		
<b>Proposal:</b>	Full: Change of use of building and refurbishment of existing roof and proposed extension to rear of property		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

This application has been submitted by Powys County Council.

### Site Location and Description

The application site is located within the community council area of Welshpool. The application site is located within Welshpool Conservation Area and is a grade II listed building. The application site is also located within the C2 flood zone and is located within the primary shopping frontage area for Welshpool. The application is surrounded by existing commercial premises and businesses.

The application includes the change of use class of a former bank (class A2) to a substance misuse service (class D1). The proposed development also includes the refurbishment of the existing roof.

The proposed rear extension is a wraparound extension and will measure approximately 9 metres maximum in length and 8.2 metres maximum in width. The proposed extension will measure approximately 2.9 metres in depth at its maximum. The extension will reach a ridge height of approximately 3.1 metres. The proposed extension will be finished with an oak frame and glazing for the walls and the roof.

### Consultee Response

#### Welshpool Community Council

The Committee supports this application.

#### PCC - Highways

Does not wish to comment on the application

## PCC - Building Control

No comments received at the time of writing this report

## Wales and West Utilities

Wales & West Utilities have been made aware of a planning application on 06.12.2017 , advising us of the proposals\_at:

2, Severn Street, Welshpool, Powys, SY21 7AB

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive\_list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its\_role as a Licensed Gas Transporter (GT).Gas pipes owned by other GT's and also privately owned pipes may be\_present in this area. Information with regard to such pipes should be obtained from the owners. The information shown\_on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes,\_valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind\_whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to\_discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired. If you have any queries please contact Danielle Thomas on 02920 278912 who will be happy to assist you.

## Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent

Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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

### PCC - Built Heritage

Thank you for consulting me on the above planning application.

I note that the applicant is Powys County Council and as such the accompanying listed building consent application P2017/1247 will not be determined by ourselves but by Welsh Government. I understand that whilst we are not the determining authority for the listed building consent applications, I am to provide comments on the accompanying planning permission. In commenting on the planning application the fact that the building are listed is a material consideration.

I am aware of pre-planning application submission enquiries including meetings on site with Cadw officers that have been undertaken and hopefully informed the listed building consent application

The building is a listed building Cadw ID 7848 included on the statutory list on 11 March 1981 and prominently sited within the Welshpool Conservation area.

The premises were constructed as a bank which the architectural details expected of a bank built at this time (1863). The interior has the features expected with a bank including the bank managers/directors office on the first floor which is ornate and rich in adornment and accessed by 2 staircases of different architectural character. At pre-application stage concern was expressed in respect of the subdivision of this fine room, and I note the submitted plans retain this single open space albeit with a number of free standing desks.

Concern was also raised at pre-application stage with the outcome of the bank furniture and partitions that remain on the ground floor and that these would be considered as fixtures and fittings and should remain in situ. It would appear that this concerns have been addressed in the application, however the reception area is proposed to be subdivided.

The building lends itself to certain types of office use, with its combination of small rooms and large directors room, however it does not lend itself to all County Council functions and as such a degree of subdivision is required. I note that efforts appear to have been made to accommodate the concerns with regard to the subdivision, with only 2 rooms being proposed for subdivision.

The provision of the extension is not opposed in respect of planning grounds, that is the impact on the character and appearance of the conservation area, or the setting of adjacent listed buildings. I acknowledge that the impact of the proposed extension to this listed building will be considered on the listed building consent application.

I can confirm that I have no objections to the planning application, however would request an informative note be attached to the granting of any permission advising that any signage placed on the exterior of the building would require listed building consent.

## NRW

Thank you for your consultation received on 6th December 2017.

We have no objection to the proposed development.

### Flood Risk

The application site lies entirely/partially within zone C2 as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004).

Given the scale of the proposed development, and in the absence of a flood consequence assessment, we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

If any overnight accommodation should be proposed in the future, then a proportionate FCA would be required.

The developer can access advice and information on protection from flooding from the following web page <http://naturalresources.wales/flooding/what-to-do-before-a-flood/?lang=en>

The Data Distribution team [datadistribution@cyfoethnaturiolcymru.gov.uk](mailto:datadistribution@cyfoethnaturiolcymru.gov.uk) may also be contacted to request flood level information.

### Scope of NRW Comments

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

## CPAT

Thank you for the consultation on this application.

Information retained within the Regional Historic Environment Record indicates that the development is located within the medieval historic core of Welshpool and lies to the rear of a street frontage which is known to have been within the medieval town layout and occupied by medieval and later buildings. The rear plots in a medieval town typically include property boundary ditches, refuse pits, outbuildings, gardens, artefacts of all periods and evidence of light industrial activity. We would therefore require an appropriate level of archaeological

monitoring during the initial extension construction phase to identify and record any buried features that may be revealed.

Accordingly we would recommend that an archaeologist is contracted to be present throughout the duration of initial topsoiling, ground preparation and foundation excavation works in order that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with the guidance set out in Welsh Government TAN 24: The Historic Environment (May 2017) Planning Policy Wales (Chapter 6, Edn.9 Nov 2016).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI).

A suitable condition to facilitate the contracted watching brief is provided below along with a guidance note for the applicant on how to commission archaeological works.

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

## **Representations**

Following the display of a site notice on 20<sup>th</sup> December 2017, there have been no public representations received.

## **Planning History**

PPAE/2017/0129 – Pre Application Advice

P/2012/0876 - Listed Building consent for internal alterations in connection with change of use of property from office use to a residential unit on part ground floor and upper floors together with ground floor office facing Severn Street, Conditional Consent

P/2012/0875 - Change of use of property from office use to a residential unit on part ground floor and upper floors together with ground floor office facing Severn Street, Conditional Consent

M/2007/1191 - Change of use from offices to dwelling - Refused

M/2007/1193 - Listed building consent to facilitate the conversion of offices to dwelling – Refused

## **Principal Planning Constraints**

Flood Zone  
Welshpool Conservation Area  
Listed Building

## **Principal Planning Policies**

### National Planning Policies and Guidance

Planning Policy Wales (Edition 9, November 2016)  
Technical Advice Note (TAN) 4: Retail and Commercial Development (2016)  
Technical Advice Note (TAN) 11: Noise (1997)  
Technical Advice Note (TAN) 12: Design (2016)  
Technical Advice Note (TAN) 18: Transport (2007)  
Technical Advice Note (TAN) 24: The Historic Environment (2017)

### Local Planning Policies and Guidance

Powys Unitary Development Plan (2010):

SP1 – Social, Community and Cultural Sustainability  
SP3 – Natural, Historic and Built Heritage  
SP7 – Retail Developments, Leisure and other Town Centre uses  
SP9 – Local Community Services and Facilities  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV14 – Listed Buildings  
HP4 – Settlement Development Boundaries and Capacities  
RP1 – Retail Centre Hierarchy  
RP3 – Town Centre Retail Development  
CS6 – Health Care Developments

Powys Residential Design Guide (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



## **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.

### Principle of Development

Policy RP3 of the Powys Unitary Development Plan (2010) sets out the general requirements applied to all town retail developments within a town centre such as this proposal. It is noted that the application is located within the primary shopping frontage area for Welshpool. Policy RP3 states that applications would not be considered as acceptable within a primary shopping frontage area should they result in the loss of an existing ground floor A1 or A3 use. Within policy RP3 it states that proposals for a community use, which in the opinion of the council is of wider public benefit and in need of a town centre location will be permitted.

This application seeks consent to change the use of a former bank (A2) to a substance misuse service centre (D1) use. The proposed site is surrounded by existing A1 and A3 enterprises, the proposed development will be providing a community use and will benefit from being within a town centre location for accessibility purposes. The proposed development will not detract from the vitality of the area due to its public use and will not have an unacceptable impact on the viability of the existing area. Welshpool town centre is a thriving shopping area and the loss of an existing A1 or A3 enterprise for a proposal for a community use which will benefit the wider public is considered acceptable.

It is therefore considered that the proposed development would not be seen as having a detrimental impact upon the attractiveness, character and viability of the existing retail centre.

Policy ENV14 of the Powys Unitary Development Plan seeks to ensure that development proposals do not have an unacceptable adverse impact upon a listed building or the setting of the listed building. Proposals need to be of high quality design and use materials that are in keeping with the character and appearance of the listed building and of the surrounding area.

Policy CS6 regarding health care development states development and improvement of existing sites for hospitals, health centres, day centres, clinics and surgeries or the development of new sites or premises for these uses will be approved where their location complies with the sustainable strategic settlement hierarchy.

In light of the above it is considered that the principle of development fundamentally complies with relevant planning policy. Other material considerations are required to be considered which are as follows:

### Design

With respect to design, specific reference is made to UDP policies GP1. The respective policies indicate that development proposals will only be permitted where the design, proportion, scale, materials and fenestration complements or enhances the character of the existing building.

Policy ENV11 indicates that proposals for development within or adjoining a conservation area should be of high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed. Policy ENV14 states that proposals for development which unacceptably adversely affects a listed building or its setting will be refused.

Consent is sought for the erection of an extension to the rear of the property and the refurbishment of the existing roof.

The proposed rear extension is a wraparound extension and will measure approximately 9 metres maximum in length and 8.2 metres maximum in width. The proposed extension will measure approximately 2.9 metres in depth at its maximum. The extension will reach a ridge height of approximately 3.1 metres. The proposed extension will be finished with an oak frame and glazing for the walls and the roof.

It is considered that the proposed extension is of an appropriate scale and proportion relative to the original building and has been sympathetically designed to complement the existing building. The proposed design and layout is therefore considered to fundamentally comply with relevant planning policy. The proposed extension is to the rear of the property and is not visible from the street frontage and will not have a detrimental impact on the character or appearance of the surrounding area

In light of the above it is therefore considered that the proposed fundamentally complies with UDP policy GP1.

### Built Heritage

Policy ENV11 indicates that proposals for development within or adjoining a conservation area should be of high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed. Policy ENV14 states that proposals for development which unacceptably adversely affects a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting, account is taken of the following:

The Built Heritage officer has been consulted regarding this application as the application site is located within the Welshpool Conservation Area and the building is grade II listed.

The officer noted that efforts appear to have been made to accommodate the concerns with regard to the subdivision, with only 2 rooms being proposed for subdivision. The Built heritage officer did not object to the proposed extension in terms of its impact on the character and appearance of the conservation area, or the setting of adjacent listed buildings. The officer acknowledged that the impact of the proposed extension to this listed building will be considered on the listed building consent application.

The Built Heritage officer has no objections to the planning application, however the officer requested an informative note to be attached to the granting of any permission advising that any signage placed on the exterior of the building would require listed building consent.

### Neighbouring Amenities

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring properties. The extension is relatively small in scale and it is considered that the proposed extension to the rear elevation will not create any negative impacts upon the neighbouring properties in terms of any loss of daylight created by the erection of the proposed extension. The proposed extension will not afford the building any additional views to neighbouring buildings that would be considered to have negative impacts upon any loss of privacy. The proposed extension will be well screened by existing trees and hedgerows on the front and side boundaries.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties and therefore fundamentally complies with relevant planning policy.

### Historic Environment

CPAT have been consulted regarding the application and noted the information retained within the Regional Historic Environment Record indicates that the development is located within the medieval historic core of Welshpool and lies to the rear of a street frontage which is known to have been within the medieval town layout and occupied by medieval and later buildings. The rear plots in a medieval town typically include property boundary ditches, refuse pits, outbuildings, gardens, artefacts of all periods and evidence of light industrial activity. We would therefore require an appropriate level of archaeological monitoring during the initial extension construction phase to identify and record any buried features that may be revealed.

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

### Flood Zone

The application site lies entirely/partially within zone C2 as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004).

Natural Resources Wales have been consulted regarding the application and noted given the scale of the proposed development, and in the absence of a flood consequence assessment, NRW consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

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

## **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 – Conditional Consent**

In light of the above it is therefore considered that the development fundamentally complies with relevant planning policy and the recommendation is therefore 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 XXXXXX(drawing no's: Site Location Plan, Proposed Elevations, Proposed Floor Plan, Building Condition Report).
3. No development shall take place until a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

### **Informative Notes**

#### Built Heritage

Any signage to be placed on the exterior of the building will require listed building consent.

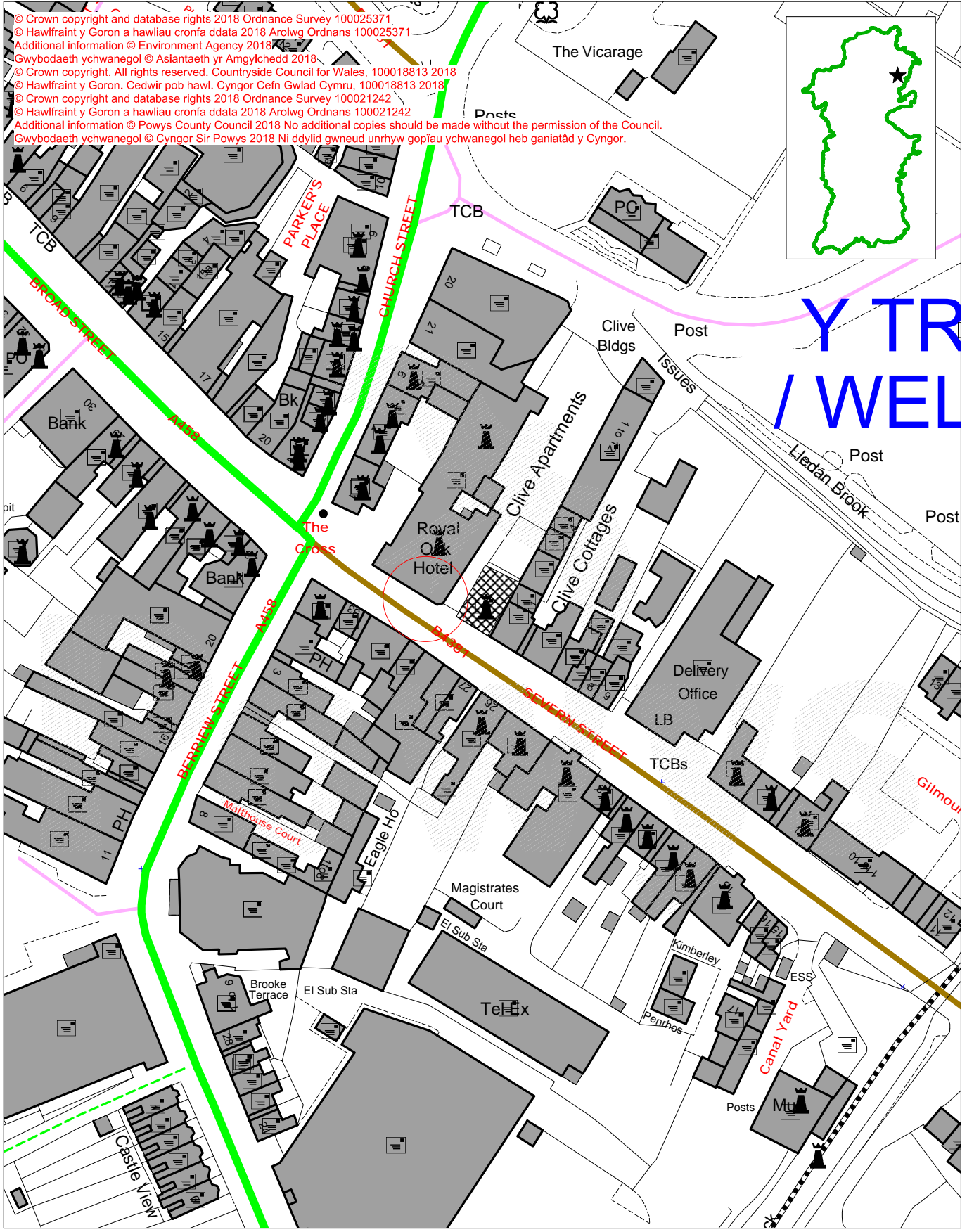
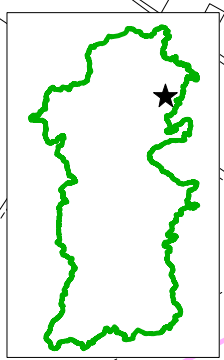
No work shall commence until the Listed Building Consent Application is approved

---

Case Officer: Luke Jones- Planning Officer  
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawlau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawlau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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





I have reviewed the information submitted by the applicant to discharge these conditions which consists of:

- Hedgerow Replacement Plan

Having reviewed the information submitted I consider that sufficient detail has been provided and the measures identified and the information submitted is appropriate and sufficient to comply with the requirements of condition 4.

I therefore consider that sufficient information has been submitted to enable discharge of conditions 4 of planning consent P/2017/0845.

## **Planning History**

P/2017/0845 - Householder: Alterations to highway/kerb to provide access to driveway. Creation of new driveway and all internal and external adaptation works, Conditional Consent

## **Officer Appraisal**

### PCC Highways

The Local Highway Authority has been consulted regarding the application and note that the details submitted with this discharge of condition application are acceptable and meet with the Highway Authority specification and standards for the alteration of the footway and driveway.

It is therefore considered that sufficient information has been submitted to enable the discharge of condition 3 of planning consent P/2017/0845.

### PCC Ecology

The PCC Ecologist has been consulted regarding the discharge of condition 4 of planning permission P/2017/0845 and has reviewed the information submitted by the applicant to discharge the condition which consists of:

- Hedgerow Replacement Plan

The Ecologist reviewed the information submitted and considers that information submitted is appropriate and sufficient to comply with the requirements of condition 4.

It is therefore considered that sufficient information has been submitted to enable the discharge of condition 4 of planning consent P/2017/0845.

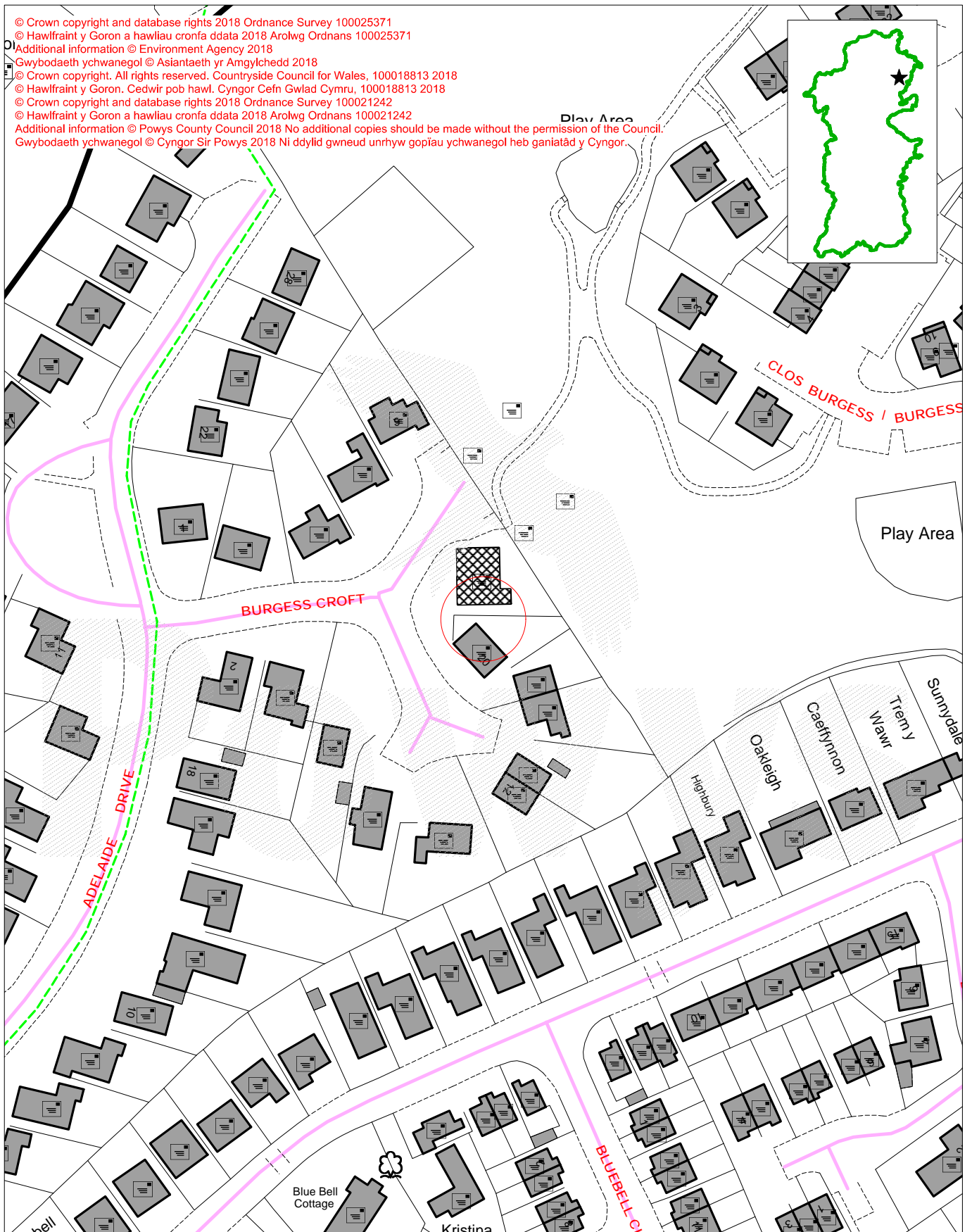
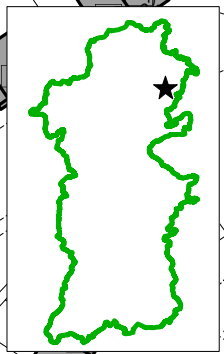
## **RECOMMENDATION**

It is considered that sufficient information has been submitted in support of this application to discharge conditions 3 & 4 of the P/2017/0845 application. The recommendation is therefore one of approval to discharge the conditions as sought by the planning application.

---

Case Officer: Luke Jones- Planning Officer

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.22

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

<b>Application No:</b>	DIS/2017/0240	<b>Grid Ref:</b>	312842.33 238465.34
<b>Community Council:</b>	Bronllys	<b>Valid Date:</b>	<b>Officer:</b> 28/11/2017 Thomas Goodman
<b>Applicant:</b>	Powys County Council		
<b>Location:</b>	Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB		
<b>Proposal:</b>	Discharge of conditions no. 3, 18, 21 & 22 of P/2016/0801		
<b>Application Type:</b>	Application for Approval of Details Reserved by Condition.		

### The reason for Committee determination

Powys County Council is the applicant.

### Site Location and Description

The application seeks to discharge conditions 3, 18, 21 & 22 of the application P/2016/0801.

Condition 3 states:

*Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*

Condition 18 states:

*Prior to the first occupation a "lighting design strategy for biodiversity" for school building and grounds shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be completed in full accordance with the details as approved and shall be maintained as approved thereafter in perpetuity.*

Condition 21 states:

*Prior to the first use of the new school all on site infrastructure including car parking spaces, access and circulation areas as detailed on drawing LLY 00 PI A (05) 101 shall be fully completed to a specification to be submitted and agreed in writing by the local planning authority.*

Condition 22 states:

*Prior to the commencement of any works on the development the first 2 metres of the access road as detailed on drawing number LLY 00 PL A (05) 101 shall be fully completed to the*

written satisfaction of the local planning authority in accordance with the following specification; a minimum of 250 mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous binder course material.

## **Consultee Response**

### Ecology

Thank you for consulting me with regards to application DIS/2017/0240 submitted to discharge condition no. 18 of planning consent P/2016/0801 at Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys.

Condition 18 requires that:

Prior to the first occupation a "lighting design strategy for biodiversity" for school building and grounds shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be completed in full accordance with the details as approved and shall be maintained as approved thereafter in perpetuity.

I have reviewed the information submitted by the applicant to discharge these conditions which consists of:

- Electrical Engineering Services External Services Layout Plan drawing no. E6131-LW-EXT-01 Rev. C2 produced by McCann and Partners dated April 2017

Having reviewed the information submitted I consider that sufficient detail has been provided and the measures identified and the information submitted is appropriate and sufficient to comply with the requirements of condition 18.

I therefore consider that sufficient information has been submitted to enable discharge of condition 18 of planning consent P/2016/0801.

### Truck Road Agency

*Consultation response received 21/12/17:*

I refer to your consultation of 13/12/2017 regarding the above planning application. The Welsh Government as highway authority for the A470 trunk road is unable to discharge conditions 18 and 22 for the following reasons.

- No information has been submitted which will allow the Welsh Government to Discharge conditions 18 and 22.

The Welsh Government does not issue a direction in respect of conditions 3 and 21.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK)

*Consultation response received 03/01/2018:*

I refer to your consultation of 13/12/2017 regarding the above planning application. The Welsh Government as highway authority for the A470 trunk road advise that sufficient information has been presented to fully discharge the condition 18 and 22 in relation to planning application P/2016/0801.

The Welsh Government does not issue a direction in respect of conditions 3 and 21.

If you have any further queries, please forward to the following Welsh Government Mailbox  
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

## **Planning History**

B/00/0291 – Provision of a mobile classroom – Conditional Consent – 11/12/2000

B/04/0108 – Construction of classroom extension and link to provide early years education link – Conditional Consent – 14/07/2004

P/2016/0801 - Demolition of existing primary school and construction of a new primary school and all associated works – Conditional Consent – 13/10/2016

NMA/2017/0019 - Application for Non-Material Amendment to P/2016/0801 in respect of the approved plans, on site infrastructure, and access road. Conditional Consent – 27/04/2017

DIS/2017/0019 - Discharge of condition 3 and 17 of planning approval P/2016/0801 – Approved – 27/02/2017

## **Principal Planning Constraints**

C2 Flood Zone  
Public Right of Way  
Historic Landscapes Register Outstanding

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (Edition 9, 2016)

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

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

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

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

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development (2014)

### Local planning policies

Powys Unitary Development Plan (2010)

SP2- Strategic Settlement Hierarchy  
SP3- Natural, Historic and Built Heritage  
SP9- Local Community Services and Facilities  
GP1 - Development Control  
GP3- Design and Energy Conservation  
GP4- Highway and Parking Requirements  
ENV2- Safeguarding the Landscape  
ENV3- Safeguarding Biodiversity and Natural Habitats  
ENV4- Internationally Important Sites  
ENV5- Nationally Important Sites  
ENV6- Sites of Regional and Local Importance  
ENV7- Protected Species  
ENV14- Listed Buildings  
ENV16- Landscapes, Parks and Gardens of Special Historic Interest  
ENV17- Ancient Monuments and Archaeological Sites  
CS4- Shared Use of Educational Premises for Community Purposes  
CS5- Educational Developments  
RL6 - Rights of Way and Access to the Countryside  
DC1 - Access by Disabled Persons  
DC10- Mains Sewage Treatment  
DC13- Surface Water Drainage  
DC14- Flood Prevention Measures  
DC15- Development on Unstable or Contaminated Land

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**

### Condition 3 states:

*Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*

It is noted that the majority of materials were discharged under the application reference number DIS/2017/0019. This application seeks consent for the use of Grove Orange bricks and the use of fibre cement weatherboard that has the appearance of timber. It is considered that the use of these materials match those that have already been granted consent and will complement the existing character and appearance of the area.

It is considered that the materials proposed are acceptable and comply with policy GP1 of the Powys UDP (2010).

### Condition 18 states:

*Prior to the first occupation a "lighting design strategy for biodiversity" for school building and grounds shall be submitted to and approved in writing by the local planning authority.*



*Development shall thereafter be completed in full accordance with the details as approved and shall be maintained as approved thereafter in perpetuity.*

The Ecologist having reviewed this information considers that sufficient detail has been provided and the measures identified are appropriate and sufficient to comply with the requirements of condition 18.

It is therefore considered that the information submitted complies with policies ENV3 and ENV7 of the Powys UDP.

Condition 21 states:

*Prior to the first use of the new school all on site infrastructure including car parking spaces, access and circulation areas as detailed on drawing LLY 00 PI A (05) 101 shall be fully completed to a specification to be submitted and agreed in writing by the local planning authority.*

Condition 22 states:

*Prior to the commencement of any works on the development the first 2 metres of the access road as detailed on drawing number LLY 00 PL A (05) 101 shall be fully completed to the written satisfaction of the local planning authority in accordance with the following specification; a minimum of 250 mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous binder course material.*

Welsh Government Trunk Road Agency have been consulted on the proposed development and have stated that they consider that sufficient information has been presented to fully discharge condition 22 in relation to planning application P/2016/0801.

On the basis of the evidence available, it is considered that the information provided complies with policy GP4 of the Powys UDP (2010).

## **Recommendation**

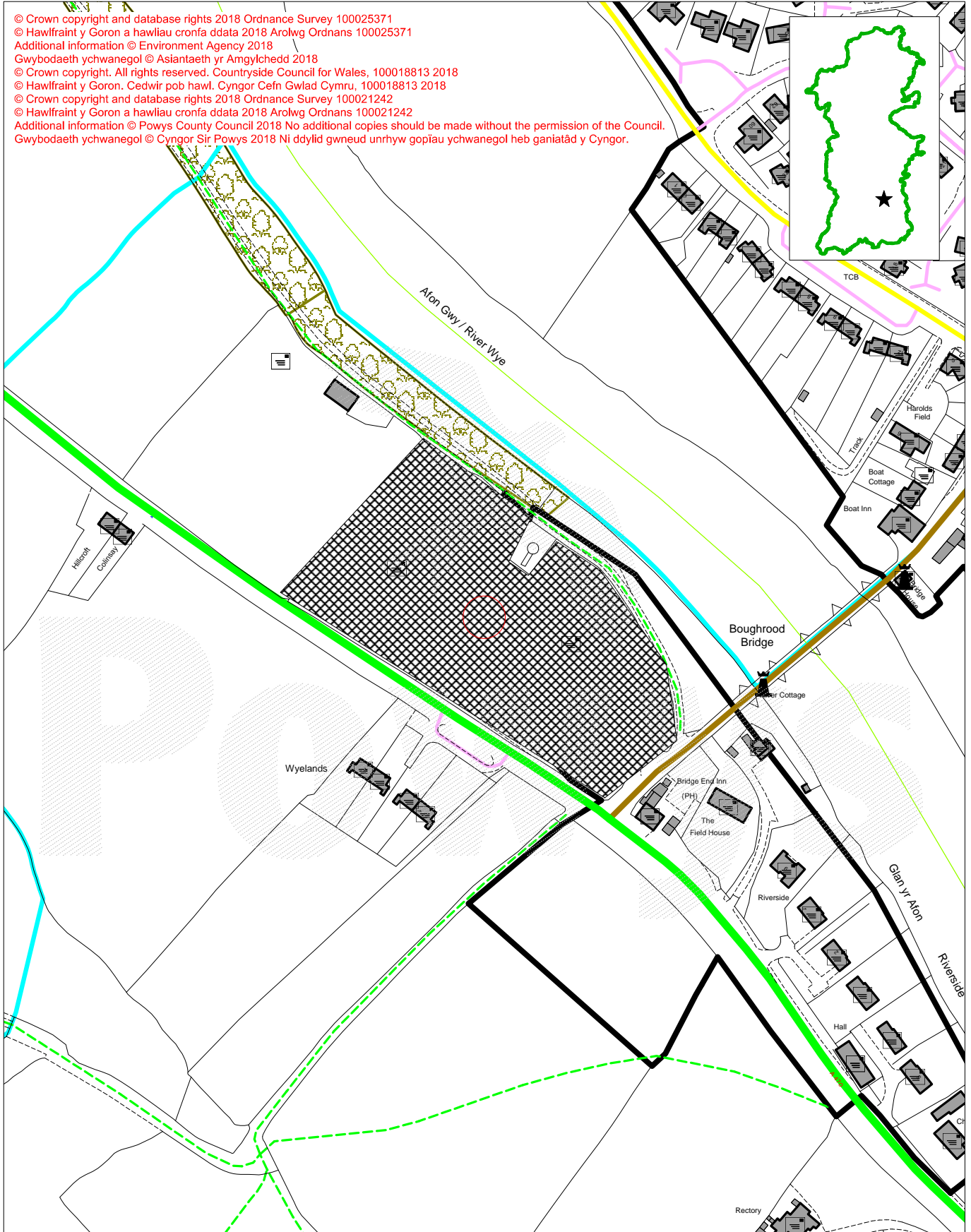
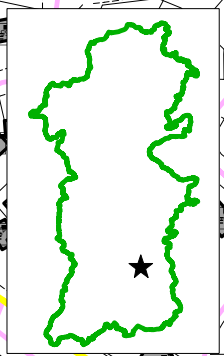
It is considered that sufficient information has been submitted in support of this application to discharge conditions 3, 18, 21 and 22 of the P/2016/0801 application. The recommendation is therefore one of approval to discharge the conditions as sought by the planning application.

---

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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

# 4.23

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

<b>Application No:</b>	TREE/2018/0004	<b>Grid Ref:</b>	296795.09 267814.2
<b>Community Council:</b>	Rhayader	<b>Valid Date:</b>	<b>Officer:</b> 15/01/2018 Karen Probert
<b>Applicant:</b>	Mr Phil Woosnam, Mafeking, Triangle Cwmdauddwr, Rhayader, Powys.		
<b>Location:</b>	Land rear of Mafeking, Triangle Cwmdauddwr, Rhayader, Powys.		
<b>Proposal:</b>	Application for works to a beech tree in a conservation area		
<b>Application Type:</b>	Works to trees subject to a TPO and/or Notification of proposed works to trees in conservation areas		

### The reason for Committee determination

The applicant currently leases the land from Powys Council. The applicant is also a Powys Council employee that has dealings with Development Management.

### Site Location and Description

The tree the subject of this application is located on land directly north of an existing dwelling known as Mafeking and falls within the Rhayader conservation area.

The site is bounded to the north and east by an existing right of way, to the west by an existing public convenience toilet block and to the south by an existing domestic curtilage.

The applicant has submitted information to indicate that the tree has become overgrown and branches are overhanging onto their property (Mafeking). The proposal is to de-bough the tree with up to 20% being taken off. The applicant has indicated that the crown will not be affected and the works are to make the tree safe and to stop it overhanging the pathway onto The Groe and the adjoining property.

Consent is sought for works to the beech tree which falls within the conservation area of Rhayader.

### Consultee Response

#### Rhayader Town Council

No response at the time of writing this report.

#### PCC Ecologist

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended):

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

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). 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.

## **Representations**

At the time of writing this report no third party representations have been made.

## **Planning History**

None as per GIS.

## **Principal Planning Constraints**

Conservation Area  
Flood zone

## **Principal Planning Policies**

## National planning policy

Planning Policy Wales (2014)

Technical Advice Note 10 – Tree Preservation Orders (1997)

Tree Preservation Orders: A Guide to Law and Good Practice

TAN 15 - Development and Flood Risk (2004)

## Local planning policies

SP3 - Natural, Historic and Built Heritage

ENV 2 - Safeguarding the Landscape

ENV3- Safeguarding Biodiversity and Natural Habitats

ENV8- Tree Preservation Order

ENV 10 - Conservation Area Enhancement & Town Schemes

ENV 11 - Development in Conservation Areas

ENV 12 - Permitted Development in Conservation Areas

ENV 13 - Demolition in Conservation Areas

HP4 - Settlement Development Boundaries and Capacities

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.

## Principle of Development

When considering works to trees within a conservation area it is advised to assess the amenity value of the tree/s or woodland and the likely impact of the proposal on the amenity of the area and to consider whether or not the proposal is justified having regard to the reasons put forward in support of it.

## Amenity

Having undertaken a site visit, the tree is visible both from the immediate vicinity and from public vantage points further away particularly from The Groe recreational area directly south east of the site.

The tree is also visible from the north and the B4518 highway.

Having carefully assessing the proposal, it is considered that although the tree is visible from the local vicinity and from public vantage points, the works to de-bought the tree by 20% will not have a detrimental impact upon the conservation area in this location as the tree is sited adjoining existing trees and the reduction of 20% will not have a significant detrimental impact in terms of visual amenity.

## Ecology

The County Ecologist has advised that an informative be placed on any consent to advise 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).

It is advised that advice is to be sought from Natural Resources Wales and the Council's Ecologist during works should a nest be found.

## **Other 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**

Consideration has been given to the proposed works within the Rhayader conservation area and the amenity value of the tree. It is recognised that the tree is visible from the immediate vicinity and from public vantage points, however the proposal to de-bough the tree by up to 20% is considered not to have a detrimental impact on the amenity of the area and therefore the recommendation is one of approval.

The works shall be carried out within 2 years of the date of the notification.

## **Informative Notes**

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended):

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

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.

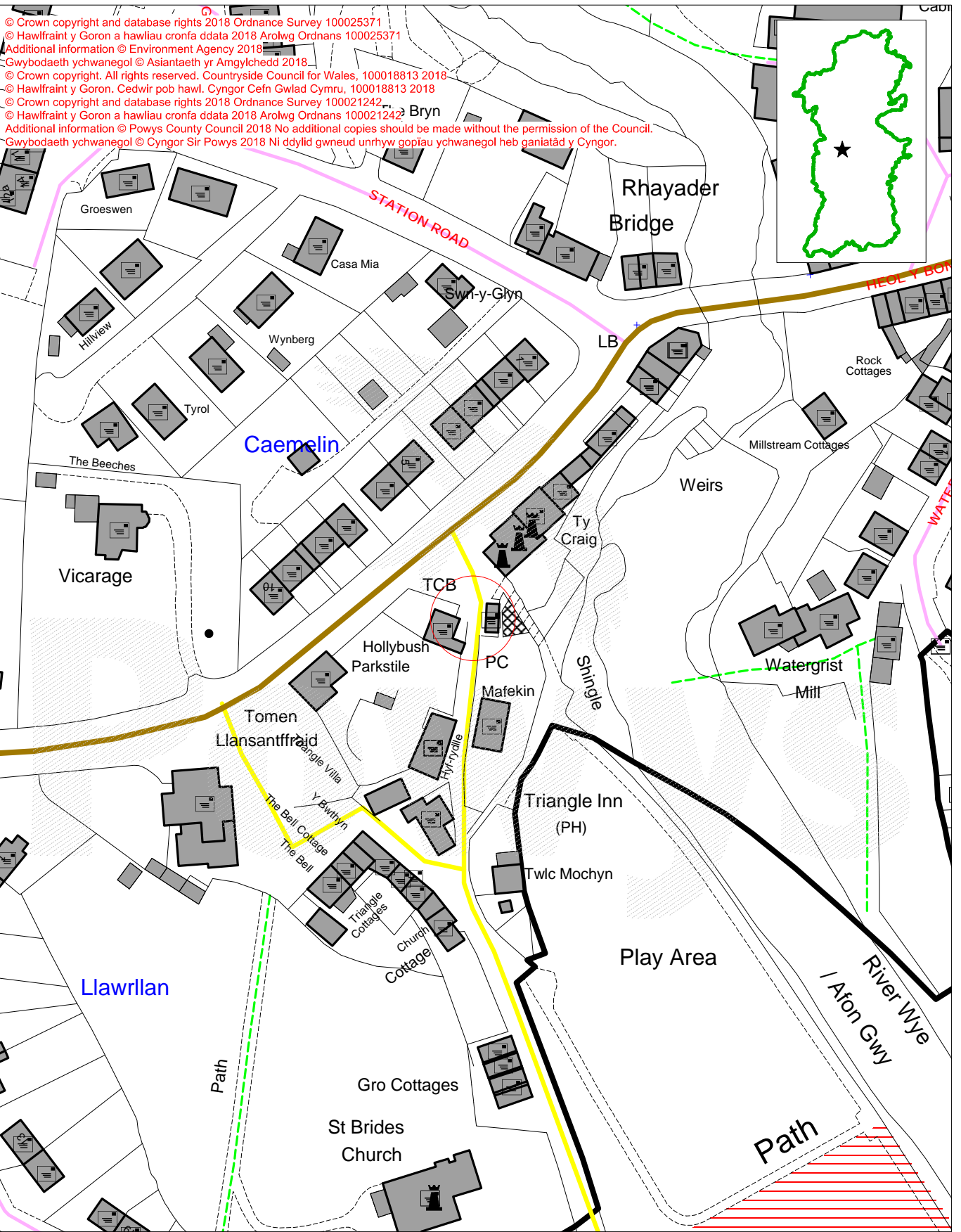
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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). 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.

---

Case Officer: Karen Probert- Planning Officer  
Tel: 01597827372 E-mail: karen.probert1@powys.gov.uk

© Crown copyright and database rights 2018 Ordnance Survey 100025371  
 © Hawlfraint y Goron a hawlau cronfa ddata 2018 Arolwg Ordnans 100025371  
 Additional information © Environment Agency 2018  
 Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2018  
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2018  
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2018  
 © Crown copyright and database rights 2018 Ordnance Survey 100021242  
 © Hawlfraint y Goron a hawlau cronfa ddata 2018 Arolwg Ordnans 100021242  
 Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.  
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



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



**Delegated List**

**24/01/2018**

**13/02/2018**

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

**FOR INFORMATION**

**Decisions of the Head of Regeneration, Property & Commissioning on Delegated Applications**

<b>Application No.</b>	<b>Valid Date</b>	<b>Decision</b>	<b>Decision notice sentdate</b>	<b>Proposal</b>	<b>Location</b>
P/2017/0864 HOUS	04/08/2017	CONSENT	25/01/2018	Householder: Permitted development into roof space and a small extension to rear of the building.	White House Snead Montgomery SY15 6EB
P/2017/0988 FULL	24/08/2017	CONSENT	25/01/2018	Full: Engineering operations involving Installation of a new well house and associated works (in connection with the Elan Valley Aqueduct)	Land near existing Well House Knighton

<b>Application No.</b>	<b>Valid Date</b>	<b>Decision</b>	<b>Decision notice sentdate</b>	<b>Proposal</b>	<b>Location</b>
P/2017/1006 FULL	16/10/2017	CONSENT	25/01/2018	Full: Erection of a replacement dwelling and garage, and all associated works	Middle Ty Brith  Trewylan Lane Llansantffraid  SY22 6TE
P/2017/1176 HOUS	17/10/2017	CONSENT	25/01/2018	Householder: Erection of new conservatory/sun room	24 Boughrood Beeches Park Brecon  LD3 0YJ
P/2017/1209 REM	27/10/2017	CONSENT	25/01/2018	Section 73 application for the variation of condition1 of P/2012/0681 for an extension of time limit	Hay Road Garage  Hay Road  LD2 3BP
P/2017/1256 HOUS	24/10/2017	CONSENT	25/01/2018	Householder: Erection of a front entrance and rear sun room	1 Moonlight Barn  Snead Montgomery  SY15 6EB
P/2017/1352 FULL	28/11/2017	CONSENT	25/01/2018	Full: Erection of a livestock building	Lower Llaneon Farm Buildings Franksbridge  Llandrindod Wells  LD1 5SA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1363 FULL	21/11/2017	CONSENT	25/01/2018	Full: Extension to existing building to include the closing in of the existing lean-to and extend by one bay	Tanat Foundry Castle Fine Arts Llanrhaeadr Ym Mochnant  SY10 0AA
P/2017/1384 FULL	24/11/2017	CONSENT	25/01/2018	Full: Construction of a stock shed	Cwm Mule Dolfor  Newtown  SY16 4AU
P/2017/1399 FULL	29/11/2017	CONSENT	25/01/2018	Full: Change of use from agricultural land to mixed use agricultural and natural green burial ground (extension to existing burial ground)	Land at Busnant  Glascwm Llandrindod Wells
TEL/2017/0015 TELE	04/12/2017	PP NOTNEEDED	25/01/2018	TEL: Application for prior notification under Schedule 2 Part 24 of the GPDO 1995 for 12.5m lattice mast, complete with 2no. antennas, 3 no. dish antennas, associated radio equipment cabinets and development ancillary	Land at Pen Y Parc Mawr  Llanfyllin  SY22 5LG
P/2017/1041 RES	11/09/2017	CONSENT	26/01/2018	Reserved matters application relating to development of 23 no. dwellings and formation of new access following Outline approval P/2016/0953	Land adjacent to Heritage Green Forden Welshpool  SY21 8LH

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1183 HOUS	20/10/2017	CONSENT	26/01/2018	Householder: Erection of an extension to the existing dwelling	Ty Ceotir Bronllys Pont-y-wal Lane Brecon  LD3 0LU
P/2017/1292 OUT	07/11/2017	REFUSE	26/01/2018	Outline: Erection of 2 no. dwellings, formation of vehicular access and installation of sewage treatment plant (all matters reserved)	Land at Boughrood Castle Farm Boughrood Brecon  LD3 0YH
P/2017/1381 FULL	23/11/2017	CONSENT	26/01/2018	Full: Change of use from part of existing clubhouse to manager's accommodation (part retrospective)	Riverside Bronllys Seasonal Caravan  LD3 0HL
P/2017/0931 CLA2	06/10/2017	REFUSE	29/01/2018	Section 192 application for a lawful development certificate of proposed use for the construction and siting of a mobile home	The Blue Barn Beulah Troedrhiwgoch Llanwrtyd Wells
P/2017/1005 OUT	31/08/2017	REFUSE	29/01/2018	Outline: Erection of 1 no. affordable dwelling and detached garage, installation of septic tank and all associated works (all matters reserved)	Land near Fairview  Llanfechain  SY22 6XG



Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1076 FULL	21/09/2017	CONSENT	30/01/2018	Full - Residential development of 28 dwellings, formation of estate road and all associated works/infrastructure	Ochard Close Churchstoke Montgomery SY15 6JR
P/2017/1299 FULL	21/11/2017	CONSENT	30/01/2018	Full: Land re-profiling works, access improvements and permanent tarmac access track and all associated works	Land off the A488 Penybont Road Knighton
P/2016/0753 FULL	25/07/2016	CONSENT	31/01/2018	Creation of vehicular access to replace existing entrance and all associated works (Retrospective).	Llwyn Penegoes Machynlleth SY20 8NH
P/2017/0477 REM	02/05/2017	CONSENT	31/01/2018	Section 73 application for variation of condition 2 of Planning Permission M/1999/0540 in relation to changes to approved plans	Plot 16 Churchstoke Maes Chwarae Montgomery SY15 6DN
P/2017/0876 FULL	31/07/2017	CONSENT	31/01/2018	Full: Erection of a replacement dwelling, and all associated works	Trem-Yr-Hafren Llandinam SY17 5AP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0879 FULL	31/07/2017	CONSENT	31/01/2018	Full: Erection of 2 no. holiday chalets, installation of a septic tank and all associated works	Land near Tynddol Barn Llanbadarn Fynydd Llandrindod Wells LD1 6YH
P/2017/0938 HOUS	24/08/2017	CONSENT	31/01/2018	Householder: Erection of a first floor extension	9 Llanrhaeadr Ym Mae'n Dderwen Oswestry SY10 0LE
P/2017/1029 OUT	06/09/2017	CONSENT	31/01/2018	Outline - Residential development and associated works for 9 dwellings.	Llwyn Coch Llandrinio Llanymynach SY22 6SE
P/2017/1120 HOUS	01/11/2017	CONSENT	31/01/2018	Householder: Erection of a garden shed	Penllwyn Castle Cereinion Welshpool SY21 9AS
P/2017/1192 FULL	23/10/2017	CONSENT	31/01/2018	Full: Erection of an agricultural livestock shed	The Lands Llanbister Road Llandrindod Wells LD1 6UG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1257 FULL	30/10/2017	CONSENT	31/01/2018	FULL: Construction of a stock shed	Neuadd Farm  Rhayader  LD6 5HH
P/2017/1302 FULL	07/11/2017	CONSENT	31/01/2018	Full: Construction of an enclosed three storey stairway in existing courtyard with new ground floor entrance	Brynteg  High Street Llanfyllin  SY22 5AA
P/2017/1344 FULL	28/11/2017	CONSENT	31/01/2018	Full : Siting of a building for use as office / reception associated with caravan park and formation of associated car parking area	Land adjoining Warden's Bungalow Llangynog Henstent Caravan Park Oswestry  SY10 0EP
P/2017/1355 REM	28/11/2017	CONSENT	31/01/2018	Section 73 application to vary condition 2 and 4 of planning permission P/2014/0656 relating to approved plans	Penderw Pools Old Radnor Presteigne  LD8 2RP
P/2017/1362 HOUS	06/12/2017	CONSENT	31/01/2018	Householder: Erection of a two storey extension to the existing dwelling	Yew Tree Cottage  Evenjobb Presteigne  LD8 2PA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1396 FULL	29/11/2017	CONSENT	31/01/2018	Full: Proposed extension to include annex to existing dwelling together with change of use of agricultural land to form extended domestic curtilage	Maes Y Bwch Commins Llanrhaeadr Ym Moch SY10 0BZ
P/2017/1414 FULL	04/12/2017	CONSENT	31/01/2018	Full: Erection of a bungalow , formation of vehicular access and all associated works	Plot 12 Hillcrest Aberhafesp Newtown SY16 3JR
P/2017/0521 OUT	09/05/2017	CONSENT	01/02/2018	Outline: Erection of an agricultural workers dwelling (all matters reserved)	Land North-East of Glencoed Cwmbach Part of Henllys Builth Wells LD2 3RW
P/2017/1199 RES	23/10/2017	CONSENT	01/02/2018	Reserved matters application in respect of outline planning permission P/2016/0320 for the erection of an affordable dwelling, installation of sewage treatment plant and creation of a new access	land at Hafan Pen-y-bont-fawr Oswestry SY10 0EL
P/2017/1242 HOUS	24/10/2017	CONSENT	01/02/2018	Householder: Demolition of flat roofed porch extension, construction of a single storey extension to the front and a single storey sun room to the side of the existing dwelling	Penally Crossgates Guidfa Meadows Llandrindod Wells LD1 6RY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1430 HOUS	08/12/2017	CONSENT	01/02/2018	Householder: Erection of a rear single storey extension	Cae Beuno Berriew Welshpool  SY21 8AA
P/2017/0212 OUT	27/02/2017	CONSENT	02/02/2018	Outline (all matters reserved): Erection of a rural worker's dwelling, formation of vehicular access, installation of sewage treatment plant and all associated works	Land south of Siluria Farm Old Radnor Lower Yardro Presteigne  LD8 2RP
P/2017/1512 ADV	28/12/2017	CONSENT	02/02/2018	ADVERT: Consent to display two fascia signs and one free standing sign	16  Woodlands Business Park Ystradgynlais  SA9 1JW

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0052 CLA2	10/01/2018	CONSENT	05/02/2018	Section 192 certificate of lawfulness for a proposed use in relation to subdivision of ground floor to run two businesses	Golden Dragon Middleton Street Llandrindod Wells LD1 5DG
P/2017/1204 HOUS	24/10/2017	CONSENT	06/02/2018	Householder: Demolition of existing side porch/utility room, construction of a new conservatory to the west elevation, a single storey extension to the north & a new porch to the front	Llwynbongam Cefnlllys Llandrindod Wells LD1 5PD
P/2017/1422 REM	07/12/2017	CONSENT	06/02/2018	Application to remove condition 2 from planning consent B5666 (Agricultural Occupancy)	Oaklands Bronllys Pont-Y-Wal Lane Brecon LD3 0LT
P/2017/0921 FULL	09/08/2017	CONSENT	07/02/2018	Full: Erection of an extension to an existing free range poultry unit and all associated works	Cefn Gwyn Dolfor Newtown SY16 4AS
P/2017/1188 HOUS	16/10/2017	CONSENT	07/02/2018	Householder: Erection of a single storey extension to the rear of the existing dwelling	Lyndon House Market Square Montgomery SY15 6PA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1258 FULL	31/10/2017	CONSENT	07/02/2018	Full: Change of use the ground floor from (A2) Financial and professional services to residential, alterations to the rear elevation & construction of a fence to seperate bank house 1 & 2	Bank House 1 High Street Llanfair Caereinion SY21 0QZ
P/2017/1260 FULL	31/10/2017	CONSENT	07/02/2018	Full: Change of use of the ground floor from (A2) Financial and professional services to residential, alterations to the rear elevation and construction of a fence to seperate bank house 1 & 2	Bank House 2 High Street Llanfair Caereinion SY21 0QZ
P/2017/1263 OUT	30/10/2017	CONSENT	07/02/2018	Outline: Erection of 3 dwellings and one affordable dwelling, formation of vehicular access and installation of private drainage system	4 Church House Orchard Aberbechan Newtown SY16 3BH
P/2017/1339 HOUS	22/11/2017	CONSENT	07/02/2018	Householder: Removal of garage and construction of a two storey side extension and a single storey extension to the rear	Frondirion Penegoes Machynlleth SY20 8NH
P/2018/0001 FULL	03/01/2018	CONSENT	07/02/2018	Full: Erection of a lecturn style heritage interpretation panel	Childrens playground Heol Giedd, Dreifield Ystradgynlais SY19 1LS

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1473 HOUS	18/12/2017	CONSENT	07/02/2018	Householder: Erection of a rear extension to the existing bungalow	8 Cefn Hawys Welshpool  SY21 7RH
P/2017/1506 FULL	28/12/2017	CONSENT	07/02/2018	Full: Construction of a new dwelling	Land at 5 Bryngroes Cottages Gurnos Ystradgynlais  SA9 1LE
P/2017/0675 LBC	14/06/2017	REFCADW	08/02/2018	LBC: Works to a Listed Building to include alterations to form a WC in Building N4, alterations to provide a restroom and Kitchen in Building Q1, provision of Kitchen and WC and new window in Building X1	Leighton Centre Leighton  SY21 8HJ
P/2017/1020 FULL	03/10/2017	CONSENT	08/02/2018	Full: Installation of 22m high lattice mast on a concrete base and associated works	Llwynygog Farm Staylittie Llanbrynmair  SY19 7DB
P/2017/1034 FULL	06/09/2017	CONSENT	08/02/2018	Full: Constuction of a horse barn and menage together with all associated works	Land at Leighton Park Leighton Welshpool  SY21 8LW



Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
TEL/2017/0014 TELE	30/11/2017	PP NOTNEEDED	08/02/2018	TEL: Application for prior notification under Schedule 2 part 24 of the GPDO 1995 for installation of a 15m high lattice mast accommodating 3no. antennas and 2no 600mm dishes together with the installation of a ground based foul	Land at Pwllan Tregynon Newtown SY16 3ER
P/2017/1408 HOUS	14/12/2017	CONSENT	08/02/2018	Householder: Installation of external cladding onto existing dwelling and all associated works	Rosannda Grosvenor Close Llandrindod Wells LD1 5NE
P/2017/1198 FULL	19/10/2017	CONSENT	09/02/2018	Full: Erection of a mono pitch agricultural building	Pantyrhiw Howey Llandrindod Wells LD1 5RH
P/2017/1406 HOUS	20/12/2017	CONSENT	09/02/2018	Householder: Proposal to replace existing frontage door with blockwork and rendered	8 Heol Y Doll Machynlleth SY20 8BQ
P/2017/1464 HOUS	18/12/2017	CONSENT	09/02/2018	Householder: Erection of a two storey extension to dwelling	The Old Gaol Gardens Arthurs Gate Montgomery SY15 6QU

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