

The applicant needs to be aware of this procedure as a private road has been indicated and an adoptable road will be required. An adoptable road may require that a new road layout is submitted in order to comply with the geometry that is required.

Please apply the following conditions:-

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 9 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 30 for the first 9 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 9 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 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 0.26 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 and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. 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 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 9 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 dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom (maximum 3) excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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 0.45 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 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 9 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.

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.

REASONS FOR RECOMMENDATIONS OR REFUSAL

RR1 In the interests of highway safety.

RR2 To ensure that adequate provision is made for highway access onto the County Class road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Powys Building Control

Correspondence received 14th November 2016

Building Regulations application required.

Wales & West Utilities

Correspondence received 15th November 2016

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

Correspondence received 22nd November 2016

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

Powys Rights of Way

Correspondence received 24th November 2016

Countryside Services recommends that the application be refused as it affects Public footpath 2 Forden, as shown on the attached plan.

I write to confirm that the path would be severely obstructed by the proposal, and as such it is our duty to point out that it is a criminal offence to obstruct, or to interfere with a public right of way without lawful authority or excuse.

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

The Definitive Map is held in the Countryside Services Offices at the Gwalia, Llandrindod Wells, and can be viewed by appointment.

If redesigning the layout of the development is not a possible option, the applicant will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £1,000. Success of a Public Path Order cannot be guaranteed and the Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at:

http://pstatic.powys.gov.uk/fileadmin/Docs/Countryside/Developers_Guide_en_02.pdf

For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

Powys Ramblers

Correspondence received 22nd November 2016

Thank you for the opportunity to comment on this application.

The design and access statement appears to be silent on the existence of the rights of way which would run along the back of the gardens of the proposed new houses. The location plan identifies one right of way but not the one which runs along the edge of existing gardens. The proposed block plan does not show the right of way and this is an important omission. Can the applicant please be made aware that they need to take account of this right of way in development of their plans. In the meantime we cannot support this application until the applicant has explicitly acknowledged this right of way and made appropriate plans to protect its continued unimpaired use during and after any development takes place. We would, of course, be happy to provide any further comments when the applicant has submitted further details about how the right of way will be protected.

Powys Land Drainage

Correspondence received 6th February 2017

Thank you for consulting the LLFA.

In response, the LLFA would make the following observations/comments/recommendation.

Land Drainage / Flood Risk

Observation: Reference is made under Item 13 – Assessment of Flood Risk on the Planning Application form where it indicates that the site is not within 20 metres of a watercourse. This is incorrect. An existing watercourse flows under and adjacent to this proposed development. No further reference has been made in the submission to recognize the existence of this watercourse.

Comment: The Authority holds no historical flooding information relating to this greenfield site. However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to part of the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a 'medium' chance of flooding from surface water. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

The watercourse flowing through/adjacent this site is deemed an Ordinary watercourse. Powys CC generally oppose the culverting of a watercourse. Any proposed alterations or interference with this watercourse will require the prior approval from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

No buildings, structures, fences, planting or alteration of contours shall take place within 5 metres from the top of the bank of the existing watercourse.

Recommendation: An appropriate FCA should be prepared to evaluate and assess the risk from surface water flooding prior to the granting of any permission.

Reason: To ensure that the proposed development does not compromise the function of the land drainage system and that any proposed alteration to this system is fully compliant with regulations and are of robust design.

Surface Water Run-off

Observation: Reference is made within the Planning and Design Statement to the adequate provision for drainage, including the use of sustainable urban drainage systems such as reed bed filtration systems and balancing ponds, that will reduce flood risk and negative impacts on the local hydrological condition. Further reference to the management of surface water run-off is indicated in Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states that surface water is to be disposed to soakaway.

No proposed surface water drainage details or layout drawing(s) 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.

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 Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government’s planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non statutory national standards and guidance can be downloaded from The Welsh Government’s website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government’s SuDS design standards.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any 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.

Environment Protection

Informative: The Planning and Design Statement indicates that foul water drainage from this development is to connect to the public sewerage system. The nearest public foul sewer to this site is located approximately 1.8km away at Kingswood, Forden.

Connection to the public foul sewer will be 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.

Hope this is of assistance.

Correspondence received 7th June 2017

Reviewed Roger Parry & Partners' Limited FCA. The LLFA's observations and comments are as follows:-

Reference is made in Item 4 – Flood Zone & Vulnerability of the Limited FCA to the 'access road adjacent to the brook has been elevated and the brook has been deepened and this has resolved the issue' but under Item 5 – Mitigation, it refers to the raising of the property floors and access track a minimum of 300mm above surface water flooding ground levels to ensure any potential surface water does not affect the buildings. However, under Item 6 – Impact on Flood Risk Elsewhere, it then states that no ground raising is proposed within the flood extent.

A few concerns here, the first being the deepening of the watercourse. This is not regarded a sustainable method to alleviate flood risk as bed levels will regrade to its natural fall and any short term benefit will be quickly lost. Secondly, the raising of the track alongside the watercourse will remove flood storage, which will then lead to greater flooding or creation of a flood nuisance elsewhere.

Best solution would be to retain flow within the channel but rather than deepening the channel it would be better to widen the cross-sectional area of the channel to accommodate flood flows. This could be achieved through the introduction of 'shelf' or 'bench' above normal water levels. The extent of the widening of the channel would need to be determined through the provision of a hydrological assessment of the watercourse catchment to quantify flood flows, which in turn will help determine the minimum width of channel necessary to accommodate flood flows. The capacity of the widened channel would need to be designed to accommodate flows up to the 1 in 100yr plus climate change event. 300mm free board should be made available.

Whether or not something like this can be achieved is unknown without an appropriate assessment being undertaken. Without this information it is not possible for me to make a recommendation.

If it helps, we could meet the Agent/Applicant on site to discuss this issue further?

Correspondence received 4th July 2017

As per our earlier conversation regarding this application and, in particular, the flood risk shown on NRW's Surface Water Flood Risk mapping, having now met with Richard Corbett (Roger Parry & Partners) on site I've had the opportunity to reflect on what would be a reasonable way forward. The existing access road alongside the watercourse has, over time, been raised through general maintenance/upkeep of the road and, the watercourse itself has already been culverted in various sections. This may well have reduced the risk to the site but what was agreed with Richard was that we still need to evaluate these risks not only for the site itself but also the risk to others as a result of the proposals. His client owns the land either side the watercourse and was therefore able to carry out any enhancements that may be required. This required analysis would also include details on surface and foul water drainage arrangements for the site, which would be incorporated in a Drainage Strategy.

Perhaps the following can form the appropriate wording of a condition:-

Recommendation: No development shall commence until a Drainage Strategy for the surface water run-off and land drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme identified within the approved Drainage Strategy shall be completed before any dwellings are occupied. The scheme to be submitted shall show arrangements for the foul water drainage of the site.

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

I hope this is of assistance.

Natural Resources Wales

Correspondence received 5th January 2017

Outline application for residential development and all associated works Land at Pen y lan & adjacent to Woodluston, Forden Welshpool

Thank you for referring the above consultation received by us on 20th December 2016. We have no objection to the proposal.

Pollution Prevention

As the development is near a water course a pollution prevention plan should be created and implemented to the satisfaction of the LPA.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance with PPG5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the netregs website:

<http://www.netregs.org.uk/pdf/PPG%205%20-%20Oct%202007%20-%20replaces%20PPG%2023.pdf>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on Tel: 03000 653000.

European Protected Species

No ecological report has been supplied with the planning application. We observe that the site is currently composed of improved agricultural grassland with hedgerows and mature trees along the site boundaries. Hedgerows and trees should be retained and opportunities for biodiversity enhancement should be considered. We recommend that a preliminary ecological assessment should be submitted with the detailed planning application.

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.

PCC – Ecology

Correspondence received 21st July 2017

Thank you for consulting me with regards to planning application P/2016/1126 which concerns an Outline application for residential development and all associated works at Land at Pen y lan & adjacent to Woodluston, Forden, Welshpool, Powys, SY21 8NE.

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 32 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 comprises an area of improved grassland which is a habitat of low ecological importance. The boundary of the site comprises areas of hedgerows and occasional semi mature trees.

Having reviewed the existing and proposed plans for the site it is noted that the proposed plan indicates that at least 2 trees will be lost to accommodate the proposed development.

Powys County Council UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

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

Whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matter it is noted that the proposed plans identify the provision of landscaping including what appears to be some tree planting as part of the proposed development. The provision of landscaping is welcomed and the provision of tree planting would compensate for the loss of the 2 trees, 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 hedgerows and trees that are to be retained as part of the development a tree and hedgerow protection plan is secured through an appropriately worded condition.

Given the relatively 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 – a number records for bat species were identified in 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 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.

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 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.

Representations

No third party responses received by Development Management at the time of writing this report.

Principal Planning Constraints

Public Right of Way
Historic Landscapes Register 212/2/5,1

Principal Planning Policies

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 20: Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 - Economic Development (2014)
Technical Advice Note (TAN) 24: The Historic Environment (2017)

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
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
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
RL6 - Rights of Way and Access to the Countryside

Powys County Council 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

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 boundary of Forden which is classified in the Powys Unitary Development Plan 2010 as a small village. The proposal is for five

dwelling one of which is to be an affordable dwelling 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.

Forden is defined in the UDP as a small village with one allocated site (M131 HA1 which was allocated for five dwellings). The settlement itself has a church, cemetery, primary school, community centre, recreation ground, football pitch, cricket pitch bowling green and tennis courts. There are public transport links within a short walking distance of the site with the Key Settlement of Montgomery being approximately 3.2 miles south of Forden which offers a wide range of services and facilities. The proposed location is considered to be sustainable for the scale of development proposed.

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 Planning and Design Statement also makes reference to the indicative size thresholds for the proposed dwellings these are as follow:

Plots 1,2 & 3: 4 bed detached dwellings: 6.6 metres in length, 9.25 wide, height to the eaves of 4.7 metres and a height to the ridge of 8.4 metres with a roof pitch of 45 degrees.

Plot 4: 3 bed detached house: 8.7 metres in length, 6 metre in width, 4.7 metres in height to the eaves and 8.3 metres in height to the ridge with a roof pitch of 45 degrees.

Plot 5 (Affordable Dwelling): 3 bed detached dwelling: 6 metres in length, 8.7 metres in width, 4.7 metres in height to the eaves, 8.4 metre in height to the ridge and a roof pitch of 35 degrees.

Plot 1 to 5: Garages: 6 metre in length, 3 metres in width with a height to the eaves of 2.4 metres and 4 metres in height to the ridge with a roof pitch of 35 degrees.

No indicative details of design of the dwellings or materials to be used in their construction are given at this stage, but they are intended to reflect the character and appearance of the surrounding 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 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.

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.

This site is located within the Crewgreen to Forden Hill and Scarp aspect area which is characterised as forming the topographical transition between the upland peaks of Breidden Hill and Long Mountain and the floodplain of the River Severn. Largely west facing and typified by a patchwork of grazed and some low intensity arable farming with managed hedgerows, occasional patches of woodland lie along stream courses and in lower lying areas. Whilst LANDMAP recognises the scenic quality of the landscape as being high its rarity is considered to be low. The overall visual and sensory value is described as moderate.

The proposed site is considered to be well connected to the small village of Forden being adjacent to the existing built up area and existing dwellings. 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 small village and would not have an unacceptable 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 policy ENV2 of the Powys Unitary Development Plan 2010.

Public Rights of Way

The existing site has a public footpath running through the centre of the agricultural field on the definitive map which would be through the centre of the proposed development. As part of this application process the countryside services team has been consulted and have provided comments on the application. The officer has advised the applicant that the existing

definitive line of the public footpath would be severely obstructed by the proposed development and that the public right of way would need to be formally diverted.

The formal footpath diversion process is a separate process to a planning application. This application is in outline form with all matters reserved. An indicative site layout has been given with a potential route for the diversion of the existing footpath. This is not the final layout for the site and could be subject to change subject to further consultation with countryside services in order to accommodate a proposed route.

Officers are satisfied that given the indicative layout proposed as part of this application process that there is the ability to accommodate a public footpath on a diverted route to the existing whilst allowing the development of residential dwellings on the site. Further comments are being sought from countryside services regarding the proposed diversion route and it is hoped that their comments will be reported in an update report to committee. In light of this and comments above, officers consider that the proposed development fundamentally complies with policy RL6 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 provided comments on the application. The highways officer has raised no objection to the scheme and recommended a number of conditions to be attached. This application is in outline form with all matters reserved. Therefore, access is not being considered as part of this application process and therefore it is not appropriate to include any conditions in relation to highways 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 DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

As part of this application process Environmental Health Officers and our Land Drainage Officer have been consulted on the proposal. No comments have been received from Environmental Health at the time of writing this report. The Land Drainage Officer was consulted on the original proposal and requested further information in the form of a Flood Consequence Assessment. Further comments have been provided by the Land Drainage Officer in support of the application subject to the inclusion of a condition relating to a surface water scheme.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC11 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 to secure further information in terms of landscaping plans and its management, a tree and hedgerow protection plan and external lighting condition.

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 Forden Ward reported that 10.8% of the population spoke Welsh. This is an increase from the 2001 census which stated that 3.2% of the population of Forden spoke Welsh. Officers consider that the development of five 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 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 received on 9th November 2016 (drawing no's: RPP/RC-JOB36-01 REV B, RPP/RC-JOB36-02 REV A, Planning and Design Statement - dated October 2016) amended plans received 8th August 2017 (drawing no: RPP/RC-JOB36-03 REV A) and additional information received 3rd March 2017 (Document: Limited Flood Consequence Assessments).
5. No development shall commence until a Drainage Strategy for the surface water run-off and land drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme identified within the approved Drainage Strategy shall be completed before any dwellings are occupied.

6. 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.
7. 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.
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.
9. 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 housing unit space;
 - 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.
10. 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 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.
11. 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. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.
6. 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.
7. 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.
8. 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.
9. 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).
10. 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).
11. 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.

Informative Notes

Environment Protection

Informative: The *Planning and Design Statement* indicates that foul water drainage from this development is to connect to the public sewerage system. The nearest public foul sewer to this site is located approximately 1.8km away at Kingswood, Forden.

Connection to the public foul sewer will be 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.

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