

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

<b>Application No:</b>	P/2017/0320	<b>Grid Ref:</b>	309511.65 305977.04
<b>Community Council:</b>	Llanfair Caereinion	<b>Valid Date:</b>	<b>Officer:</b> 29/03/2017 Dunya Fourie
<b>Applicant:</b>	Mr Steve Andrew, Pear Tree Lane, Highbury, Llanfair Caereinion, Powys, SY21 0BH.		
<b>Location:</b>	Land east of Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY.		
<b>Proposal:</b>	Outline: Erection of a detached dwelling, installation of a sewage treatment plant and improvements to existing access		
<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 extends to approximately 0.10 hectares and is located to the south west of Llanfair Caereinion. The site adjoins New Road to the south and abuts the curtilage area of Maes Hyfred. There is further residential development at Whiteoaks to the west and the farm holding; Cae Garreg and its associated dwellings are located to the north of the site.

The application has been submitted in outline with access to be considered at this stage. It is proposed to construct a single dwelling together with a new vehicular access off New Road.

Indicative scale parameters of the property have been submitted as follows:

- Size ranging from 8-18m and 7-15m
- Eaves height of 5.5m
- Ridge height of 7.5m

### Consultee Response

County Councillor Viola Evans (prior to election of 4<sup>th</sup> May 2017)

I write in support of planning application made or shortly to be made by Mr Steven Andrew and Ms Natalie Lee on land on the Cefn Coch Road just out of Llanfair; and adjacent to two properties already close to the proposed site.

Steven and Natalie are members of local amenities, they both are employed in the area, and wishing to stay in the community.

I do hope that their planning application is looked at favourably, as I am sure you will agree, we wish to retain our young people in our community.

Llanfair Caereinion Community Council

No response received at the time of writing this report.

Severn Trent Water

*E mail of 18 May 2017*

I have checked the records and the nearest surface water sewer is roughly 270 meters away (as the crow flies) and foul approx. 340 meters away (as the crow flies) – both to the west of the site.

Powys Environmental Health

*E mail of 6 April 2017*

I have no objection to the application provided that the NRW allow the foul drainage to be discharged to the watercourse.

Powys Ecologist

EIA Screening

The site area is understood to be 0.10 hectares and includes up to 1 dwelling. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 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 submitted with the application

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service.

The application site appears to be located within an agricultural field grazed by sheep and is bounded by a hedgerow to the north and west. The majority of the northern hedgerow would appear to be removed and replaced to facilitate a visibility splay. The western hedgerow, bordering a residential garden, would appear to be retained.

Protected species and habitats

Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least 3 bat species and otter from within 2km. No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. However, the northern hedgerow is likely to provide linear commuting and foraging habitat for a range of bat species.

It would seem likely that the creation of the new visibility splay would require the removal of a large section of hedgerow. I suggest that any removed hedgerow is translocated along the new visibility splay instead of buying and planting new stock.

If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

The foul water discharge from the development would be via an outfall to an existing watercourse. Since no ecological information has been submitted with this application and considering the habitat present at the site of the proposed outfall, there is insufficient information available to determine the potential ecological impact of this proposal on otters and other species using the watercourse and riparian habitats.

A Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

#### UK Species

There are historic records of badger and nesting bird species from the vicinity of the site; the boundary hedgerow to the north offers suitable habitat for a range of nesting bird species.

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.

Badgers could be present within the vicinity of the proposed foul outfall. Since no ecological information has been submitted with this application and considering the habitat present at the site of the proposed foul outfall, there is insufficient information available to determine the potential ecological impact of this proposal. Please see previous comments regarding a Preliminary Ecological Appraisal being required.

#### Section 7 Species & Habitat

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. Hedgerows and rivers are Section 7 Priority Habitats that are present within the site. There are historic records of the Section 7 Priority Species Hedgehog and Hare from within 2km of the site, and suitable habitat for hedgehog at the site. I have therefore recommended that the section of northern hedgerow that would be removed for the visibility splay is translocated along the new visibility splay instead.

Since no ecological information has been submitted with this application and considering the habitat present at the site of the proposed foul outfall, there is insufficient information available to determine the potential ecological impact of this proposal on the river. Please see previous comments regarding a Preliminary Ecological Appraisal being required.

The proposed new hedgerow planting around the site boundary is welcomed and should consist of native, locally-occurring species.

#### LBAP Species & Habitat

See previous observations.

#### International Sites

None within the search area

#### National Sites

None within the search area

#### Local Sites (within 500m)

None within the search area

#### Invasive Non-Native Species

No ecological information has been submitted with this application. There is a risk of invasive, non-native species being present on the watercourse affected by the proposed foul outfall. Please see previous comments regarding a Preliminary Ecological Appraisal being required at this location.

#### Summary of recommendations / further assessment or work

Since no ecological information has been submitted with this application and considering the habitat present at the site and historic biodiversity records from the vicinity, there is insufficient information available to determine the potential ecological impact of this proposal on species and habitats affected by the proposed foul outfall.

A Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to this location and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

It would seem likely that the creation of the new visibility splay would require the removal of a large section of hedgerow. I suggest that any removed hedgerow is translocated along the new visibility splay instead of buying and planting new stock.

If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

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.

The proposed new hedgerow planting around the site boundary is welcomed and should consist of native, locally-occurring species.

#### Recommended conditions

Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:

*Prior to planning permission, a Preliminary Ecological Assessment report of the proposed foul discharge location undertaken by a competent ecologist shall be submitted to the Local Planning Authority and any recommendations incorporated within the proposed development.*  
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 Environment (Wales) Act 2016.

*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.*  
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 the Environment (Wales) Act 2016.

#### 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;

Relevant UDP policies

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 7: Protected Species

Highway Authority

*E mail of 3 May 2017*

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC1 Prior to the occupation of the dwellings 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 each 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 that 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 each access 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 120 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 each 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 dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in accordance with CSS Wales Parking Standards excluding any garage space provided together with a turning space such that all vehicles serving each plot 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 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.

HC21 Prior to the occupation of the dwelling the area of each 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.

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.

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.

#### Reasons

To ensure the safety and free flow of traffic using the adjoining class III road.

#### Natural Resource Wales

*Letter of 20 April 2017*

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.

#### Requirement 1: A Foul Drainage Assessment

We would object to non mains drainage in a sewerred area or within 30m of a sewerage network.

We advise the LPA to consult Severn Trent Water to ascertain whether a connection to the main sewer is viable. Unfortunately we do not hold the data for their network although the proximity to other houses and a discharge consent at for a sewer company at Watergate Street indicate that the property could be near the main sewer network.

We note that no "Foul Drainage Assessment" has been submitted with the application. Welsh Office Circular 10/99 (DETR Circular 03/99) advises that planning applications involving proposed non-mains foul drainage should be accompanied by a Foul Drainage Assessment. The assessment is designed to give Local Planning Authorities and statutory consultees, such as NRW, sufficient information to enable them to determine these planning applications. The WO Circular also sets out a hierarchy when considering the options for dealing with non-mains sewerage. NRW's preferred option would be for the foul drainage to go to foul sewer. Where this is not an option, then the hierarchy in the circular should be followed. Pollution Prevention Guidelines 4 (PPG4), July 2004, produced by SEPA and the Environment Agency, also provides useful guidance. Note that PPG4 advises that septic tanks or other package sewage treatment plants of any sort must not be located in an area at risk of flooding.



Should it be demonstrated that sewage treatment plant is the most appropriate and acceptable system, then the applicant should be advised that it is likely that a permit to discharge treated sewage effluent from this development into a surface water or to ground will be required from Natural Resources Wales. Applications can be made online through the NRW website or contact us for an Environmental Permit application form and further details on 0300 0653000.

Please note that the granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.

### 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

Following display of a site notice and publication in the local press, no decision was made for a continuous period of 21 days from the date of the site notice.

No third party representations have been received.

### Planning History

No relevant planning history on the site

### Principal Planning Policies

#### National Planning Policy

Planning Policy Wales (9<sup>th</sup> Edition, November 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 (2014)  
Technical Advice Note 18-Transport (2007)  
Technical Advice Note 20: Planning and the Welsh Language (2013)  
Technical Advice Note 23: Economic Development (2014)

## Local planning policy

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

UDP SP1-Social, Community and Cultural Sustainability  
UDP SP2-Strategic Settlement Hierarchy  
UDP SP5-Housing Development

UDP GP1-Development Control  
UDP GP3-Design and Energy Conservation  
UDP GP4-Highway and Parking Requirements  
UDP GP5- Welsh Language and Culture  
UDP ENV1-Agricultural Land  
UDP ENV2-Safeguarding the Landscape  
UDP ENV3-Safeguarding Biodiversity and Natural Habitats  
UDP ENV7-Protected Species  
UDP HP3-Housing Land Availability  
UDP HP4-Settlement Development Boundaries  
UDP HP5- Residential Developments  
UDP HP6-Dwellings in the Open Countryside  
UDP TR2-Tourist Attractions and Development Areas  
UDP DC11-Non Mains Sewerage Treatment  
UDP DC13-Surface Water Drainage

Powys Residential Design Guide (2004)  
Powys Joint Housing Land Availability Study (2016)

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 is for outline consent with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form separate applications for consideration at a later date.

The application site lies wholly outside the settlement boundary of Llanfair Caereinion, and would therefore result in a new dwelling being constructed outside the settlement boundary. For the purposes of the Powys Unitary Development Plan, the site subject to this application

therefore lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan as it proposes an open market dwelling in the open countryside.

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). As such, Members are advised that as stated in TAN1, considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing 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.

Llanfair Caereinion is classified as an area centre within the UDP. The town has a full range of community services and facilities. The Secondary School and Leisure Centre act as a focus for community activities, whilst the town centre provides a range of retail and financial services with employment being provided at the existing industrial estate.

The application site is approximately 250 metres by road to the edge of the settlement development boundary of Llanfair Caereinion.

The settlement is located on a public bus route and has good road connections with the A458 trunk road providing good access between Welshpool, Shrewsbury and Newtown. Llanfair Caereinion is therefore considered an appropriate location for further development on the grounds of sustainability.

### 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 appearance, layout and scale are reserved and will be dealt with at a later point in time, it is relevant to consider whether the dwelling proposed could be appropriately developed on the site.

The application site comprises a modest plot which adjoins the curtilage of an existing dwelling. The site is currently semi improved agricultural land with a mature hedgerow separating the site from the highway. Given the natural boundary with the unclassified highway and the level aspect of the site and that there are other residential dwellings in the area, no concern is raised regarding the short range views along Watergate Street.

The site is in an area of agricultural land that when viewed from longer to midrange views sits between existing farm and residential development to the north, east and west, it is therefore considered development of the site would broadly be in keeping with the character of the area and development along Watergate Street.

The existing character of Llanfair Caereinion is a settlement with its development core flanking the River Banwy and extending out along the feeder roads, including Watergate Street, this development would broadly continue the existing form of development. Based on this appraisal it is considered that a satisfactory development could come forward that would not unacceptably harm the character of the settlement or surrounding area.

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

#### Highway access and parking

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

A new vehicular access would be constructed off the C2013 (Watergate Street) to the north east of the development site. Vehicles could then enter or leave the site using the C2013 and connect to the wider highway network.

The Highway Authority have raised no objection to the construction of a new access onto the C2013 classified highway, subject to the recommended conditions forming part of any forthcoming consent. Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Impact upon amenities enjoyed by occupiers of neighbouring residential properties and the proposed dwellings

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.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting, orientation and elevation, and it is not believed that the proposal would unacceptably impact on residential amenity.

The closest neighbouring property is Maes Hyfryd which adjoins the site boundary to the west, taking into consideration the small scale of the proposal and siting of Maes Hyfryd away from the curtilage boundary, it is not believed that the proposal would unacceptably impact on residential amenity.

As such, subject to details on appearance and layout which would be considered at reserved matters stage, it is considered that adequate provision could be made for amenity in terms of privacy as set out within the Powys Residential Design Guide and UDP policy GP1.

#### Foul sewage disposal

The submission indicates that foul sewerage would be disposed of via a private means of treatment: package treatment works.

The preferred method of foul sewage disposal is via the mains sewer, Severn Trent confirm the mains sewer is over 300metres from the site, taking into consideration the cost and practicality of connecting to the mains sewerage network, in accordance with Circular 10/99 a private means of sewerage treatment is accepted.

Natural Resource Wales confirm in their response details of the proposed private treatment scheme are required, it is considered appropriate to secure this information via a condition of any forthcoming consent. The scheme would also need a permit from NRW if they are proposing to discharge to a stream.

Provided a scheme for the method of private foul drainage is secured via condition, it is considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with Welsh Officer Circular 10/99 and 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 but no further details have been provided at this stage.

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 use of soakaways and or other infiltration techniques should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage attenuation to limit the discharge rate from the site no greater than the Greenfield run-off rate should be applied. This is generally controlled via planning conditions with full details of a drainage scheme coming in a reserved matters stage or prior to commencement of development.

It is noted that the proposed surface water drainage arrangements (soakaways) are based on the assumption that ground conditions will be suitable for soakaways which is not an unusual occurrence for an outline application where only the principle of development is sought.

Having considered the detail of the submission, it is considered that there is satisfactory space within the development to secure a drainage scheme that would manage the existing drainage on the site and not exacerbate or create flooding elsewhere.

In order to ensure that adequate provision for surface water drainage would be made, a condition must be imposed on any consent granted to require the submission and implementation of a satisfactory drainage scheme with any forthcoming reserved matters application.

### 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 (TAN1 5 and Planning Policy Wales).

The site is primarily grazed semi improved agricultural land, the site is bounded by a hedgerow to the north and west. The majority of the northern hedgerow would appear to be removed and replaced to facilitate a visibility splay. The western hedgerow forms a boundary with the neighbouring property and as such is likely to be retained.

The County ecologist notes that records of European protect species in the area are sparse, however there are records of at least 3 bat species. The proposal would not result in the loss of any roosts and provided the northern hedgerow is translocated along the new visibility splay any linear foraging route would be maintained.

The ecologist in their response highlights the need for a preliminary ecological assessment to be carried out in order to identify any species within the watercourse planned to receive the clean water discharge from the package treatment plan. An ecological survey conducted by Star Ecology was received on the 10th August 2017. This report concluded the location of the proposed pipe infrastructure is considered to be of low ecological value and no further ecological work is recommended.

Any discharge from the package treatment plant to a watercourse requires a license from NRW and only clean water is permitted to be discharged. It is therefore considered that the ecological report, together with the permit is sufficient to ensure only clean water is discharged to the stream and the proposed method of foul drainage would not have a detrimental impact on ecology. Further comments from the Ecologist will be included within an update report to Members.

## **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)

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.

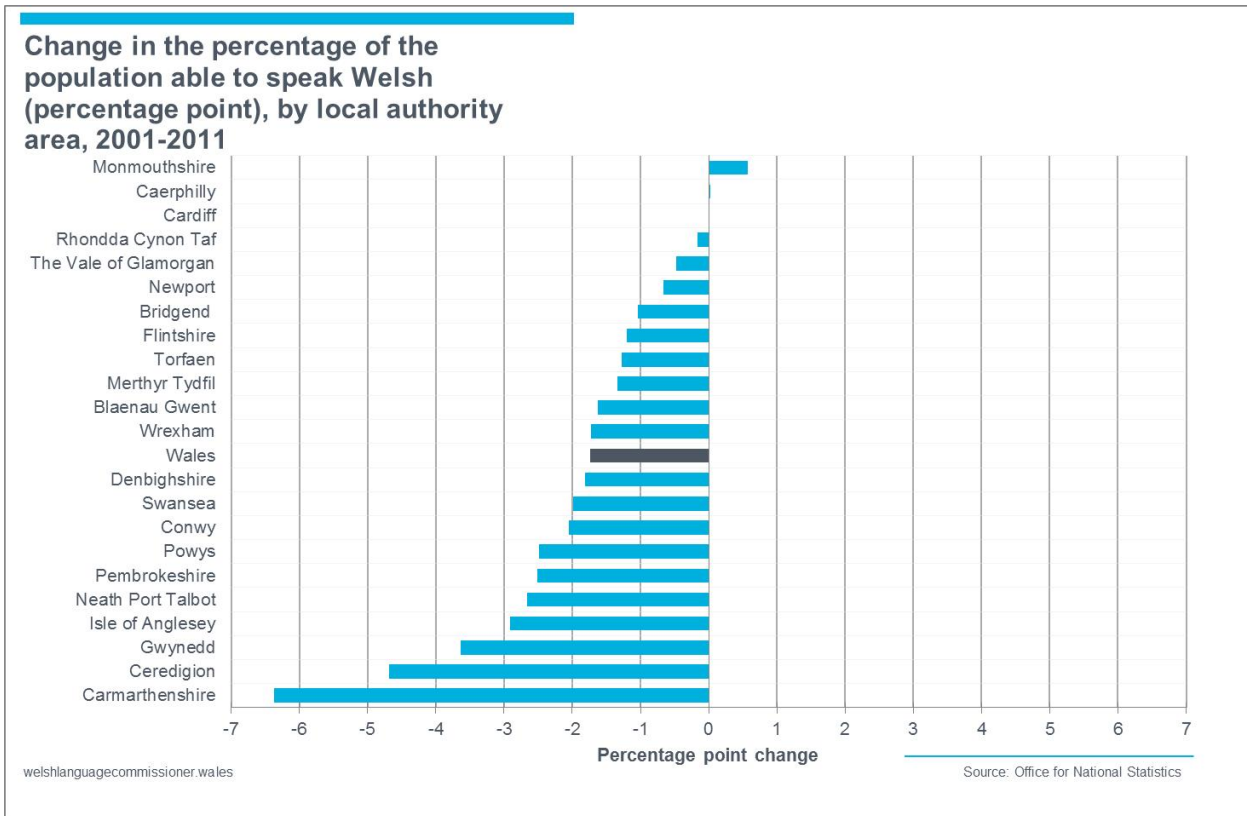
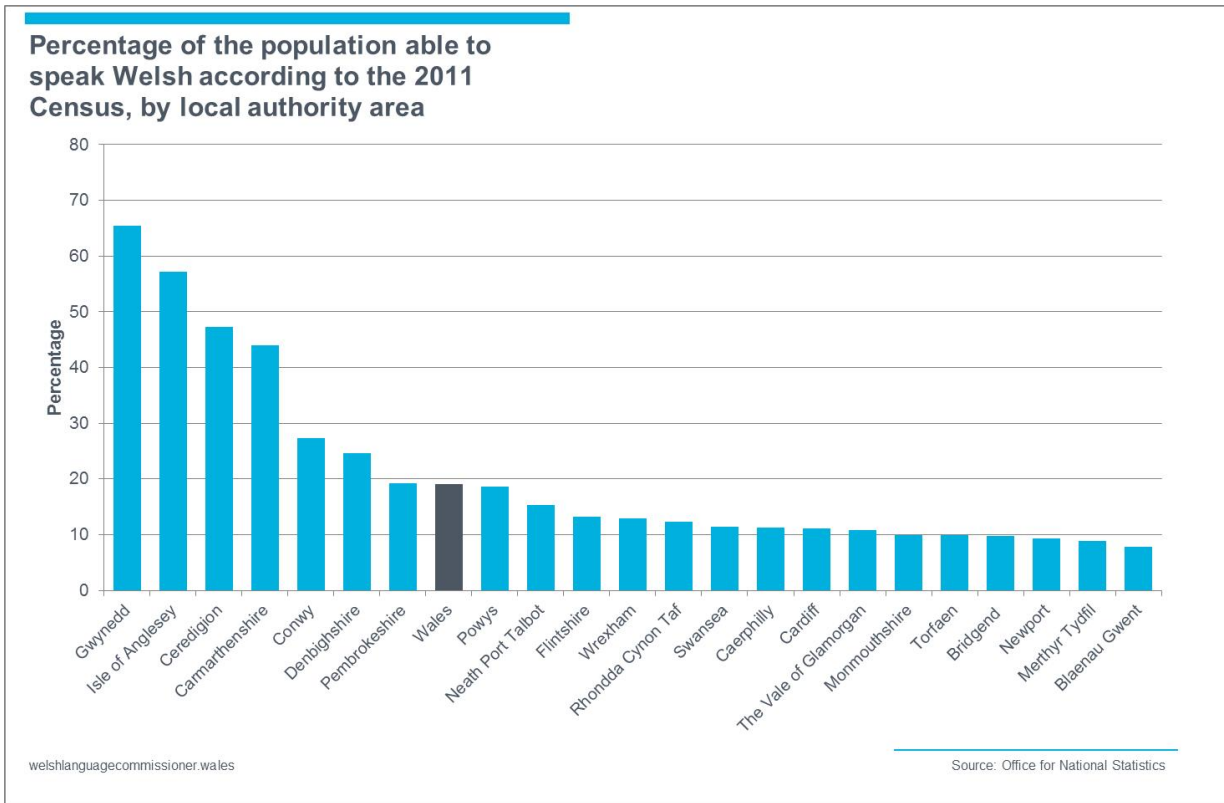
With regards to the Development Management function, TAN 20 states as follows:

“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”.

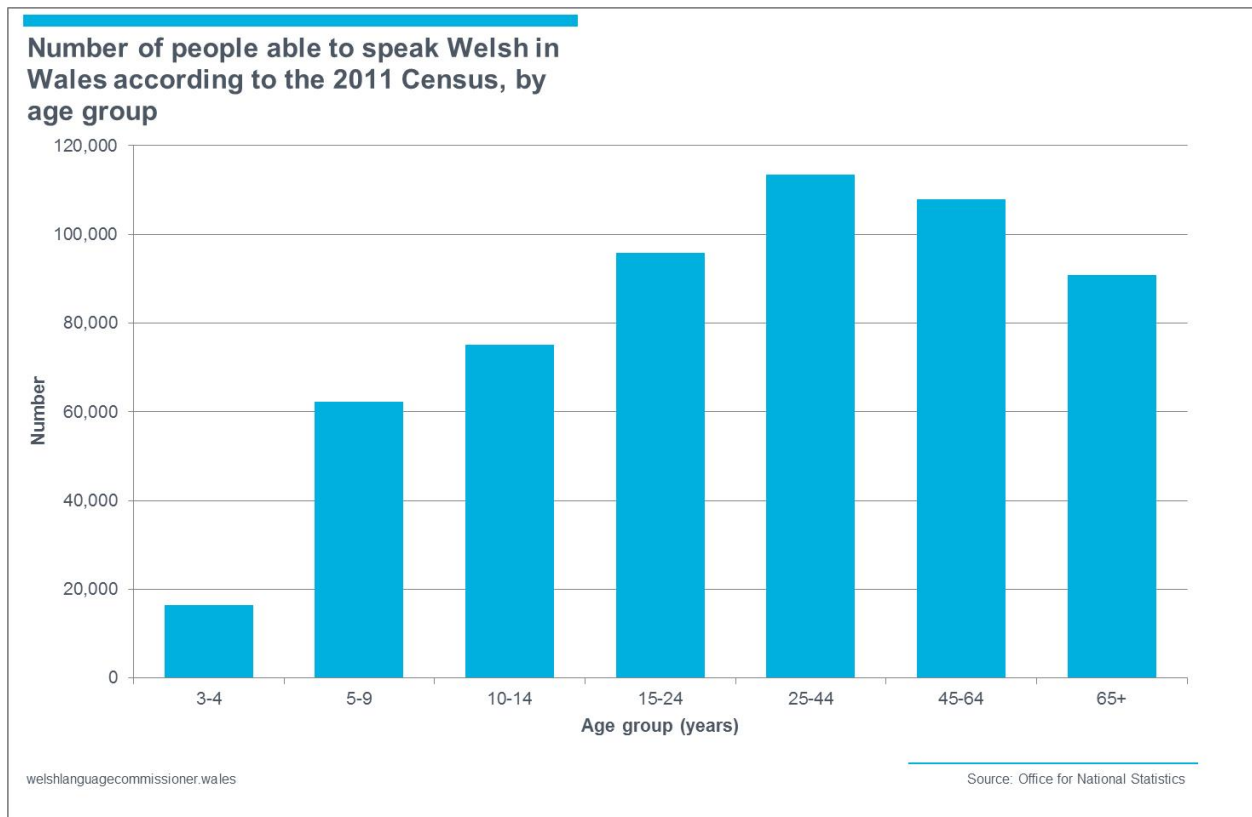
Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes.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







### 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%.

It is considered that the introduction of one new dwelling would not threaten these facilities or force sections of the population away from these facilities. In light of the above it is therefore considered that the proposed would not be seen as having an unacceptable impact on the cultural and 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**

On balance, although the development is a departure from the development plan, it is considered that the council's shortfall in housing land supply justifies the proposal. The recommendation is one of approval.

### **Conditions:**

1. Details of the layout, appearance, landscaping 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. No development shall commence until details of a scheme for the disposal of foul and surface water drainage, including a timetable for implementation, has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.
5. 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.
6. The gradient of each 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 that access and shall be retained at this gradient for as long as the development remains in existence.

7. The centre line of the first 10 metres of each access 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 any other development hereby approved, 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 120 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 any other development hereby approved, the area of each 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.

10. 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 in accordance with CSS Wales Parking Standards excluding any garage space provided together with a turning space such that all vehicles serving each plot 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 any other development hereby approved, 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 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.

13. Prior to the occupation of the dwelling the area of each 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. 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.

15. Upon formation of the visibility splays as detailed in 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.

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

17. Notwithstanding the information submitted with the application, any hedgerow removed as part of the formation of visibilities splays shall be removed outside of the bird breeding season (May-September) and shall be translocated within the site.

## 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 that the proposed foul and surface water drainage system for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 5 to 16. In the interests of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010).
17. 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, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

## Informative Notes

Should it be demonstrated that sewage treatment plant is the most appropriate and acceptable system, then the applicant should be advised that it is likely that a permit to discharge treated sewage effluent from this development into a surface water or to ground will be required from Natural Resources Wales. Applications can be made online through the NRW website or contact us for an Environmental Permit application form and further details on 0300 0653000.

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