

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0423	Grid Ref:	295482.68 283809.83
Community Council:	Llanidloes	Valid Date:	Officer: 26/04/2017 Gemma Bufton
Applicant:	Mr A Thomas, Craefol, Nantmel, Rhayader, Powys, LD6 5PD		
Location:	Land adj Dolwenith and Tan y Bryn, Llanidloes, Powys		
Proposal:	Outline - Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is to be determined by Planning, Taxi Licensing and Rights of Committee as it represents a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located within the Community Council area for Llanidloes. The application site is located outside of the settlement development limits for Llanidloes and is therefore considered to be a departure from the Unitary Development Plan.

The application site is located with neighbouring residential properties located to the west of the application with agricultural land then located to the east and south. To the north runs the B4519 County II Class highway.

Consent is sought in outline with some matters reserved except for access for the proposed residential development of 96 dwellings including vehicular access, infrastructure and all associated works.

Consultee Response

Llanidloes Town Council-

Please find below, comments from Llanidloes Town Council on the following planning application

Application Ref P/2017/0423 Outline – Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved) at Land adj Dolwenith and Tan y Bryn Llanidloes Powys –

We are fully supportive of the development as we need houses for young families. However, we wish to make the following points;-

- i) Before any development begins, we would request a minimum of 20 car parking spaces for the residents of the properties adjacent to the Bryndu Road. The Bryndu Road should be double yellow lined with restrictive parking from Green Villa to the 30 mph sign.
- ii) Local Needs/Affordable Housing – The s106 clauses/restrictions which are stated in the beginning should remain in perpetuity.
- iii) The development should be aesthetically pleasing throughout the development so that it doesn't look like a building site
- iv) There should be an adequate number of affordable 3 and 4 bedroom houses
- v) The developer should be made aware of the Culvert which runs through the proposed site

PCC Highways-

The County Council as Highway Authority for the County Class II Highway, B4518

Wish the following recommendations/Observations be applied
Recommendations/Observations

The proposed development of an estate of 96 dwellings will represent a large development for the town of Llanidloes. During the assessment of this application consideration had to be given how the proposed traffic from the development could be integrated into the existing network. Fortunately, the existing traffic levels along the Class II highway, Bryndu Road, are low so there are no capacity issues with the addition of the developments traffic

One of the major issues that needed to be considered in further detail was how to ensure that the pedestrian traffic from the development could be safely accommodated in accordance with the requirements of the Active Travel (Wales) Act 2013. Whilst the proposals include a new length of footway towards the town centre, pedestrians will be required to cross to the opposite footway and then continue along that side of the carriageway to the town. However, pedestrians wishing to walk to the Dolgwenith estate or school children wishing to utilise the route to access either the primary or high school through the Caegwyn estate will exit the new estate, cross Bryndu Road to the footway opposite and will then need to re-cross the road to get to the steps adjacent the bridge over the trunk road and then continue through the Caegwyn estate. Although we do not consider this route to pose highway safety issues it does not reflect the natural pedestrian desire lines to reach the adjacent estate or steps to the Caegwyn estate.

In order to try and reach a more comprehensive solution, officers from the Authority liaised with officers from the Housing Department, who own the adjacent piece of land between the development site and Dolgwenith estate, to try and establish whether a continuous footway could be provided from the new estate entrance across the Housing Department land and join up with the existing footway at the entrance to the Dolgwenith estate. Whilst Housing officers were very supportive of seeking an overall position that would see benefits for the both the developer and Powys County Council, confirmation was received from the developer's agent that they did not wish to alter their current submission and the development would be based on the details submitted.

Recs:

Prior to the commencement of any works on the development site full engineering details shall be submitted and approved in writing by the local planning authority for all highway related infrastructure including off site footways and onsite estate roads.

Prior to the occupation of any of the dwellings the off-site footway works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 63 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.

HC9 Prior to the occupation of the any dwelling provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking area shall be retained for their designated use in perpetuity.

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

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

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

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

HC22 Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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.

PCC Building Control-

Building regulation approval will be required.

PCC Environmental Health-

Thank you for your consultation in respect of this application, I note that the applicant is proposing connection to mains drainage and I therefore have no objection to the proposal.

If consented this will be a large construction project in a residential area, which has the potential to impact on the amenity of nearby neighbours during the build phase. I would therefore recommend a condition requiring a construction management plan, in addition I would propose the following hours of operation:-

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

- 0800-1800 hrs Monday to Friday
- 0800-1300 hrs Saturday
- At no time on Sundays and Bank Holidays

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

PCC Schools Services-

Please find below the Schools Service response to this planning application.

A contribution is sought in respect of primary education only as there is sufficient surplus capacity at Llanidloes High School to accommodate any secondary aged pupils as a result of from this development.

Primary aged pupils from this development would attend Llanidloes Primary School and the school is currently near or at capacity in a number of year groups (Years 1, 4, 5 and 6). A development of 96 dwellings is forecast to generate 22 primary aged pupils (0.23 pupils per dwelling x no of dwellings). The 10 affordable dwellings indicated in the application have not been included in the monetary calculation.

The Authority has a duty to ensure that there are sufficient school places available for children in the area and this development would put additional pressure on the school. In addition, if a place is not available at the nearest school to the home address, the Authority has a duty to offer an alternative place and fund any required transport for up to 7 years whilst that child is in the alternative school. The Schools Service therefore wishes to request a S106 contribution of £205,634 in respect of this development. These monies would be put towards remodelling/restructuring the school to create additional teaching space.

If you need any further information or anything requires clarification please get in touch.

PCC Countryside Services-

30/05/2017-

I've taken a look at application P/2017/0423 - outline residential development of 96 houses – and there are no public rights of way that are affected. Please could we discuss the possibility of a contribution towards the nearby routes or inclusion of a multi-user route through the development? Let me know when you have a few minutes free.

Following further discussions:

The officer confirmed they had no comments they wished to make with regards to this application.

National Resources Wales-

Thank you for your consultation received on 28th May 2017. We have reviewed the information submitted.

If any of the details submitted with this outline planning application are amended (e.g. the proposed drainage arrangements) at the reserved matters stage the Local Planning Authority may be required to re-consult NRW.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Construction Environmental Management (CEMP)

We suggest that a number of environmental considerations could be met in a Construction Environmental Management (CEMP) to include a Biosecurity Risk Assessment and INNS management plan, pollution prevention plan and surface water management plan.

Condition 1 – Submission at reserved matters application of a Construction Environmental Management (CEMP) to include a Biosecurity Risk Assessment, INNS Management Plan, pollution prevention plan and surface water management plan.

- Invasive Species - Japanese Knotweed

In Thomas. A (October 2013) paragraphs 1.4 and 10.4 it is acknowledged that Japanese knotweed has been found on the site. The applicants will need to provide a Biosecurity Risk Assessment and an Invasive Non Native Species (INNS) Management Plan to demonstrate the appropriate measures to control Japanese Knotweed and any other INNS that may arrive on site during the construction and operational phases of the scheme.

- Pollution Prevention Plan

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction or landscaping. When working near watercourses, work must be carried out in a manner so as not to cause pollution of controlled waters. It is an offence under Regulations 38 of the Environmental Permitting Regulations 2010 to cause or knowingly permit a polluting water discharge activity.

All works at the site must be carried out in accordance PPG6: 'Working at construction and demolition sites'. Any works and maintenance in or near water will need to follow Guidance for Pollution Prevention 5. Guidance for pollution prevention is available online at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on immediately on Tel: 03000 65 3000

- Surface Water Drainage

Our plans show that the Cwm Jonathan watercourse runs through the site and that while some sections of it are already culverted there is an un-culverted section between SN95635 83766 and SN95647 83731. There are further watercourse along the south west boundary of the site and a well.

Land drainage consent from the Lead Local Flood Authority (i.e. Powys County Council) would be necessary if culverting of the watercourse is proposed.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before any work commences on site.

Flood Risk

The site is NOT within a C2 flood zone as defined by the Development Advice Maps (DAM) referred to under TAN15 Development and Flood Risk (July 2004). Therefore the lead local flood authority i.e. Powys County Council will provide comments on any unmapped flood risk and operational issues relating to localised watercourses as well as surface water control proposals.

European Protected Species

Bats, great crested newts and otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to these species under the Regulations would require a derogation licence from Natural Resources Wales. Badgers are protected under the Protection of Badgers Act 1992.

We have reviewed Thomas. A (October 2013) An Extended Phase 1 habitat and Species Assessment by Just Mammals and Ward. P (30 November 2016) Preliminary Ecological Appraisal including for Protected Species Ref 16.025 by Mid Wales Ecology.

The block plan R095.1.0.02 dated 12.12.16 indicates that the existing storage yard and the existing dwelling are to be retained, although they do fall within the application site boundary of this outline proposal.

The ecological reports submitted in support of this application are appropriate and comprehensive to inform the planning process. We agree with the Avoidance, mitigation measures and biodiversity enhancements in section 8 of Ward. P (30 November 2016) Preliminary Ecological Appraisal. In particular we agree with;

- Paragraph 8.1 as this could relate to great crested newts
- Paragraphs 8.2 to 8.3.3 relating to badgers and otters,
- Paragraphs 8.4 to 8.7 relating to bats

Therefore, we do not object to the proposal, subject to all avoidance measures described in the ecological report being set out in a method statement submitted at reserved matters stage and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Scope of NRW Comments

Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport-

I refer to your consultation of 08/05/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

Contaminated Land Officer-

In relation to Planning Application P/2017/0423 the following advice is provided for the consideration of Development Control.

Advice

1. Historic ordnance survey (OS) maps identify that the application site is located within 250 metres of two closed landfill sites. The Department of the Environment 'Industry Profile - Waste Recycling, Treatment and Disposal Sites: Landfills and other Waste Treatment or Waste Disposal Sites' (1996) provides information in respect of the potential risks and contaminant sources associated with historic landfill sites.

Furthermore, it is identified that a Builder's Yard is present to the North of the application site.

2. No information appears to have been submitted, in support of Planning Application P/2017/0423, concerning the land use history of the application site or the potential risks to the proposed development associated with the potential presence of land contamination.

3. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

4. Based on the available information the following is recommended:

I. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/0423.

A preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice.

If a preliminary risk assessment identifies that there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, prepared by a qualified and experienced environmental consultant, should also be submitted for review and approval.

II. Alternatively, the following Condition and Note to the applicant could be attached to any permission granted for Planning Application P/2017/0423:

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or

not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval

in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

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

CADW-

Thank you for your letter of 20 April 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with the planning application, there are no scheduled monuments or registered historic parks and gardens or their settings affected by this proposal. We therefore have no comments to make on the proposed development.

Our role

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

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

National Policy

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

PPW explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ.

It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Representations

One letter of objection has been received. The letter can raises the following areas of concern:

1. The development would bring in a potential number of 300- 400 new residents to a town that does not have the supportive infrastructure, in terms of school places, Doctor's Surgery and associated health services and road capacity.

2. The road is already too narrow for the traffic using it, which includes regular large lorries accessing the Landfill Site.
3. Traffic coming out of Dolgwenith already creates a hazard because of cars parked on the main road which obscure drivers' vision and the closeness of the hump backed bridge, which is effectively a blind summit.
4. Children are already in danger on this road because of the above and the lack of decent foot paths and street lighting.
5. This development would be totally disproportionate within the location and local community.

Planning History

None for this application site.

Principal Planning Constraints

Historic Landscapes Register

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 – Economic Development (2014)
Technical Advice Note (TAN) 24 – The Historic Environment (2017)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP5 – Housing Developments
SP6 – Development and Transport
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
RL6 – Rights of Way and Access to the Countryside
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
DC3 – External Lighting
DC8 – Public Water Supply
DC12 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions

Powys Residential Design Guide (2004)

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

Officer Appraisal

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

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

Principle of Development

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

Housing Land Supply

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

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply*

of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'

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

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

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

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

The site itself is adjacent to the development boundary of Llanidloes which is identified in the UDP as an area centre. Llanidloes is served by a full range of community services and facilities including a Primary and High school, Leisure Centre and Hospital, numerous shops and public houses.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

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

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates 96 dwelling of varying designs and scales including a mixture of detached, semi-detached and terraced dwellings.

The application site it is considered forms a natural extension to the existing settlement of Llanidloes and adjoins the existing residential estate of Tan y Bryn and Dolgwenith on the eastern and southern boundaries.

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

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwellings have sufficient distance between the existing properties and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of these neighbouring properties.

Furthermore, a full consultation was held with site notices erected within the adjoining residential estate and no objections have been received in relation to amenity concerns i.e. over-looking, loss of privacy etc.

This layout is for indicative purposes only however it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without comprising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

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

In terms of landscaping the submission includes the retention of the exiting native hedgerows which surround the application site. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway (B4518) in which access is sought from, taking into account the location of the application site which adjoins onto and is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwellings, it is considered that a

satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Cadw have also been consulted and confirmed that they have no objections to the proposed development.

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

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the B4518 via an existing access.

The Highway Authority has been consulted on this application and notes that the existing traffic levels along Bryndu Road (B4518) are low and therefore it is considered that there would be no capacity issues with the addition of the developments traffic. One of the other considerations was pedestrian traffic from the application site. It is noted that the proposed development includes a new length of footway towards the town centre which will then adjoin to the existing footpath on the opposite side of the road along the Bryndu Road which then leads down into the centre of town.

The Highway Authority has confirmed that in principle they would have no objection to the proposed development subject to a number of recommended conditions.

In light of the Highway Officer's comments, and subject to the suggested conditions, it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

An extended Phase 1 Habitat and Species Assessment by Just Mammals and a Preliminary Ecological Appraisal including Protected Species by Mid Wales Ecology was submitted in support of the application.

NRW have been consulted and have confirmed that they have no objection to the proposal, subject to a number of conditions which secure the avoidance measures as identified within the Ecological report.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the

application. This duty has been given due consideration in the determination of this application.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Llanidloes is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County. From the 2011 census for the Llanidloes Ward there was a slight increase in the number of people speaking Welsh from the 2001 census (356 to 439).

Whilst Llanidloes is not within a settlement identified by GP5 it is however considered that given the scale of the proposed development, and the provision of affordable housing it is not considered that the proposal would have an unacceptable adverse impact on Welsh Language and culture.

It is therefore considered that there would be have no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Affordable Housing/ Amenity Space

Under the Powys Local Plan Affordable Housing Topic Paper (Update), September 2016 the target affordable housing contributions for the 'North' area is indicated as a 10% contribution.

Consent is sought in outline for 96 dwellings with 10 of those being proposed as affordable housing in accordance with the updated Affordable Housing Topic Paper. The provision and implementation of the affordable housing will be secured via an appropriately worded condition.

It is also noted that two play areas/public amenity spaces have also been provided for the proposed development. These areas will also therefore be conditioned appropriately to secure its implementation.

Subject to appropriately worded conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Education

The Education Department have been consulted and have confirmed that a contribution is sought in respect of primary education only as there is sufficient surplus capacity at Llanidloes High School to accommodate any secondary aged pupils as a result of from this development.

Primary aged pupils from this development would attend Llanidloes Primary School and the school is currently near or at capacity in a number of year groups (Years 1, 4, 5 and 6). A development of 96 dwellings is forecast to generate 22 primary aged pupils (0.23 pupils per dwelling x no of dwellings). The 10 affordable dwellings indicated in the application have not been included in the monetary calculation.

The Officer has therefore confirmed a contribution of £205,634 would be required for the proposed development in which would be put towards the remodelling/ restructuring the school to create additional teaching space.

In light of the above it is therefore considered that the contribution will be secured via a Section 106 agreement.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land

supply. The proposed development is for the provision of 96 dwellings in what is considered to be a sustainable location given its proximity to the area centre of Llanidloes. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.

It is therefore recommended that the application is approved subject to the signing of a Section 106 agreement to secure the education contribution within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the commencement of any works on the development site full engineering details shall be submitted and approved in writing by the local planning authority for all highway related infrastructure including off site footways and onsite estate roads.
5. Prior to the occupation of any of the dwellings the off-site footway works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.
6. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
8. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 63 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 occupation of the any dwelling provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking area shall be retained for their designated use in perpetuity

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

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

12. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

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

14. Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

15. Upon formation of the visibility splays as detailed in Condition 8 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

16. 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.

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

18. 1. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments (iii) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.

19. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately. An investigation and risk assessment, remediate implementation shall be undertaken in accordance with the requirements detailed within the contamination conditions attached to this grant of consent.

21. Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

22. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

24. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

25. Prior to the commencement of development a method statement for the reasonable avoidance measures as identified in the Preliminary Ecological Appraisals shall be submitted to and approved in writing by the Local Planning Department. Development thereafter shall be completed in full accordance with the details as approved.

26. Prior to the commencement of development a scheme for the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

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

- 0800-1800 hrs Monday to Friday
- 0800-1300 hrs Saturday
- At no time on Sundays and Bank Holidays

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

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 9, 2016).
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22. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).
23. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).
24. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

25. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.

26. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1 and DC10 and DC11 of the Powys County Council Unitary Development Plan.

27. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

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