

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0623	Grid Ref:	325471.4 315537.47
Community Council:	Llandrinio	Valid Date:	Officer: 08/06/2017 Eddie Hrustanovic
Applicant:	Mr & Mrs RG & JB Ashton, Willow Close, 5 Foxon Manor, Four Crosses, Powys, SY22 6NF		
Location:	Land adj Windy Ridge, Arddleen, Llanymynech, Powys, SY22 6PY		
Proposal:	Outline: Erection of up to 9 dwellings, formation of internal access road and all associated works (Phase 2)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The application site (Phase 2) is located 47 metres west of the designated settlement boundary, however adjacent to the recently approved development site for 9 dwellings (P/2016/1036) which is adjacent to the designated settlement boundary. Arddleen Primary School is located to the north west, while C2106 class three highway is located to the north of the site. A dwelling known as Windy Ridge is located to the north east of the application site while dwelling known as The Oaks is to the south of the application site. The site is agricultural land which is bound with hedgerows and mature trees.

The application is submitted in outline with all matters reserved for the erection of up to 9 dwellings, formation of estate vehicular access and associated works. The access to the C2106 will be shared with Phase 1 development. The site area is 0.3 hectares. The submission provides the following indicative scales:

- 1 x three bed detached dwelling (89m²) + detached single garage,
- 2 x three bed detached dwelling (90m²) + detached single garage,
- 1 x four bed detached dwelling (99.4m²) + detached single garage,
- 3 x four bed detached dwelling (125m²) + integral single garage.

Consultee Response

Llandrinio CC

The Community Council held a site meeting at the above property on Thursday 13th July. They wish to OBJECT to the above development for the following reasons:-

Contrary to Policy GP1 Outside the development boundary

Councillors feel it is still important to adhere to the principles embodied in the Development Plan and that any development outside of the boundary should only be considered if it is 100% affordable.

Policy HP3 Housing Land Availability

It appears that the lack of a 5 year housing supply seems to override all other considerations and in the case of Arddleen planning permission has already been granted for 22 dwellings with a further 46 to be considered.

Policy GP 4 – Highway & parking requirements

The access to this development is on a busy narrow lane also serving the School and Community Hall. Proposals should include the 30mph sign being relocated towards Sarnau and an extra passing place installed further up this lane.

Policy DC10 – Mains Sewage Treatment

The proposals do not indicate how they will join onto the existing sewage system in Arddleen. The Community Council has received confirmation from Severn Trent that the existing sewage works are at full capacity – a contribution needs to be sought for the upgrade of these facilities which will be necessary as a result of this development. Care is also needed in relation to the outfall from the works into the Belle Brook which is already a cause of concern in times of flooding for residents and the impact of the increased capacity of the works needs to be carefully evaluated.

Policy SP1 – Social, Community and Cultural Sustainability

Contribution needs to be sought from the Developer towards the upgrading of facilities at the local School in Arddleen and also the wider problems of improving the Medical Facilities in the area. We note that this application is phase 2 and that 9 dwellings have already been given permission – no allocation has been awarded for the provision of any play equipment and therefore a contribution should be requested for play facilities.

Powys Highways

Wish the following recommendations/Observations be applied:

Prior to any other works commencing on the development site, detailed engineering drawings for a footway, widening and traffic calming along the Class III C2106 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

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 30 and shall be retained at this gradient for as long as the dwellings remain in existence.

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

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

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 Upon completion of the access as condition HC7 any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

In the interests of highway safety.

Wales and West Utilities

No apparatus in the area of the enquiry.

Severn Trent

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

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

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

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Powys Environmental Health

I assume that this development will connect to the mains sewerage system, in which case Environmental Protection has no objection.

Powys Affordable Housing

In response to consultation on this planning application, I note the proposal is to provide for 9 dwellings. The affordable housing element should therefore amount to 3 dwellings.

With regards to provision of affordable housing, the following guidelines should be adhered to:

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

Representations

Two letters from local residents have been received in respect of the proposal.

First representation is expressing general dissatisfaction with this type of applications based on housing land supply. The representation states that these types of developments are not in keeping with appearances of villages, there are highway/traffic issues and sewage capabilities, and furthermore these types of developments are not affordable due to their excessive sizes.

Second representation is objecting on the scheme on the grounds that it appears that the Phase 2 appears to be a site splitting, risk for water surface draining, possible negative impact on surrounding properties and negative impacts upon them, the proposed properties would be higher than neighbouring bungalow

Planning History

P/2016/1036 - Development of up to 9 dwellings, formation of vehicular access and associated works (outline) - Phase 1. Consent.

Principal Planning Constraint

- C2106 class three highway;
- Application site is located approximately 190 metres to the North West of the Montgomery Canal SAC/SSSI; and
- Outside of settlement development boundary.

Principal Planning Policies

National Planning Policy and Other Guidance

Planning Policy Wales (Edition 9, November 2016)

TAN 1: Joint Housing Land Availability Studies (2015)
 TAN 2: Planning and Affordable Housing (2006)
 TAN 5: Nature Conservation and Planning (2009)
 TAN 6: Planning for Sustainable Rural Communities (2010)
 TAN 12: Design (2016)
 TAN 15: Development and Flood Risk (2004)
 TAN 16: Sport, Recreation and Open Space (2009)
 TAN 18: Transport (2007)
 TAN 20: Planning and the Welsh Language (2013)

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

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

Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system (2017)

Fields in Trust Guidance for Outdoor Sport and Play – Beyond the 6 Acre Standard Wales (January 2017)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability
 UDP SP2 - Strategic Settlement Hierarchy
 UDP SP3 – Natural, Historic and Built Heritage
 UDP SP5 - Housing Developments
 UDP SP6 – Development and Transport
 UDP SP9 – Local Community Services and Facilities
 UDP GP1 – Development Control
 UDP GP2 – Planning Obligations
 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 ENV4 – Internationally Important Sites
UDP ENV5 – Nationally Important Sites
UDP ENV7 – Protected Species
UDP ENV14 – Listed Buildings
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP ENV18 – Development Proposals Affecting Archaeological Sites
UDP CS3 – Additional Demand for Community Facilities
UDP HP3 – Housing Land Availability
UDP HP4 – Settlement Development Boundaries and Capacities
UDP HP5 – Residential Developments
UDP HP6 – Dwellings in the Open Countryside
UDP HP7 – Affordable Housing within Settlements
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP9 – Affordable Housing in Rural Settlements
UDP HP10 – Affordability Criteria
UDP RL2 – Provision of Outdoor Playing and Recreation Space
UDP RL6 - Rights of Way and Access to the Countryside
UDP TR2 – Tourist Attractions and Development Areas
UDP T2 - Traffic Management
UDP DC3 – External Lighting
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage

Powys Residential Design Guide (2004)

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

Powys Joint Housing Land Availability Study (2016)

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

As referred to within the response from the Community Council and within public representations, the proposed development lies wholly outside the development boundary of Arddleen as detailed on inset map M104 and would result in nine dwellings being constructed outside the settlement boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Sustainable location

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.

As noted above, Arddleen is identified as a large village within the UDP and it is noted that the village is served by a range of community services and facilities including primary school, community centre and public house. It is also noted that the village is served by a bus route and is located approximately 7 miles from Welshpool and 9 miles from Oswestry.

Given the designation as a large village, and that the proposal is for up to 9 dwellings adjacent to the recently consented site, it is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

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”.

Public representations have raised concern over proposals for housing developments outside designated settlement boundaries, 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.

Arddleen is classified as a large village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M104 HA1 – Land adjacent Naylor House extending to 0.98 ha) and this site has been developed. Recently, the Planning, Taxi Licensing and Rights of Way Committee resolved to grant outline permission for four dwellings on land opposite the application site under reference P/2016/1189 and a further application for up to 9 dwellings at Land at Bryn Perth, has been approved under reference P/2016/0319.

It is important to note that application P/2016/1036 - Development of up to 9 dwellings, formation of vehicular access and associated works (outline) received consent recently, and this proposed development is adjacent to the approved site. It should be noted that the site itself is approximately 35 metres to the south west of designated settlement boundary with consented site P/2016/1036 between.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Affordable housing

Given that the proposal is for nine dwellings, the UDP requires a proportion of affordable housing. UDP Policy HP7 states that a proportion of affordable housing will be sought based on the extent and type of need as identified by the Council’s Housing Needs Survey, successive surveys or other reliable robust data sources and the nature of the site.

Evidence of local need has been provided by the Council’s Affordable Housing Officer as follows (There will be duplication within these figures as the same person may have applied for more than one type of property):

Property type	Housing need
1 bed	26
2 bed	49
3 bed	19
4 bed	7

This is an accepted form of evidence which demonstrates evidence of housing need in the locality. The applicant has offered to provide on-site provision of two affordable dwellings (the two semi-detached two bedroomed dwellings) which equates to a 22% provision which is below the 30-35% proportion advised that is normally achievable within the UDP. Officers are aware that the viability evidence of the Local Development Plan is currently being reviewed and updated. It is understood that it is likely that the affordable housing provision requirement will be lower than that currently required under the Unitary Development Plan. Therefore, on this basis, it is considered that the proposed level of affordable housing (two units) is acceptable and a condition should be attached to require the submission of a scheme for the provision of affordable housing.

Impact upon amenities enjoyed by the occupants of neighbouring properties

Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy. Public representations have raised concern over the impact of the development in terms of privacy (dwelling and garden) and overshadowing of the property known as The Oaks.

The proposed site is located adjacent to the consented site (Phase 1) which and it is directly adjacent to the garden of the property known as The Oaks (south east of the proposed site). The indicative layout demonstrates that the side elevation of plot 10 would be approximately 30 metres from the side elevation of The Oaks. While the plots 16, 17 and 18 are approximately 35 metres away from the bungalow known as Greencare with intervening county highway between. These distances comply with the guidelines set out within the Residential Design Guide in respect of privacy and overshadowing.

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

Highway access and parking requirements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the phase 2 site would be gained off the C2106 class three highway via a new vehicular access which was consented on Phase 1 development (P/2016/1036). The Community Council has commented that although visibility is good this is a busy narrow lane. In addition, the Community Council has commented that the 30mph sign needs to be moved further back and an extra passing place installed. Public representations have raised concerns over the additional traffic which would be generated by the development.

It is important to note that the Highway Authority has advised during the Phase 1 application that there is no objection in principle, however connection to the existing footway to the north east of the site at the 20mph speed limit sign to enable pedestrian access to the school from the site is recommended. In addition, the width of the C2106 serving the site is of a single track nature. Development Management agreed that in combination with a separate

application for up to four dwellings on land opposite the application site (reference number P/2016/1189 which as recently been approved by the Members), improvements to the C2106 highway would be of benefit and are required involving widening of the C2106 and the provision of a footway to the village.

The original and current submission demonstrates that the access could be achieved and given the width of the highway verges at this location, road widening and a footway along the frontage of the development could be achieved. It is important to note that the original scheme already includes additional footpath and widening of the existing footpath which will connect Phase 1 and Phase 2 developments with the village.

Overall, subject to the use of conditions to ensure that the access is completed to the required standard together with the provision of a footway, it is considered that the proposal makes adequate provision for highway access and parking in accordance with UDP Policy GP4.

Foul drainage

It is proposed to connect to the public sewerage system which is the preferred method of disposal. Public representations have raised concern over foul drainage. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewerage and sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Severn Trent Water has advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

Flood risk and surface water drainage

The application site is within Zone A of the TAN15 Development Advice Maps and as such is not known to be at risk of flooding.

In respect of surface water disposal, the submission indicates that this would be disposed to the main sewer. Public representations have raised concern over surface water disposal. Severn Trent Water has not objected to the proposal, subject to the use of a condition to require the details of surface water drainage being submitted before works commence. Although The Council's Land Drainage Engineer did not comment in respect of this current submission (Phase 2) it is noted that he has advised during the Phase 1 development that the nearest public surface water sewer is in 'Llwyn Perthi' and third party approval to cross intervening land may be an issue.

He also noted that if third party approval cannot be gained to connect into the public surface water sewer, the Land Drainage Engineer has also advised that soakaways are going to be of limited use as the ground conditions in Arddleen are poor for soakage. Therefore, it has been advised that an appropriate surface water drainage design was required prior to any consent being granted. Taking into account the original advice from the Land Drainage Engineer and the contents of the Drainage Strategy (for Phase 1 development), given that soakaways are not likely to be feasible but that there are solutions available, particularly connection to the mains surface water system and that Severn Trent Water has not objected

to the proposal, it is recommended that a condition should be attached to any consent granted to require the submission and approval of a surface water drainage scheme to ensure that adequate provision is made for surface water drainage.

Impact upon nature conservation

Given that the site is currently within agricultural use and that there are no known species or sites within the locality which would be affected by the development, it is not considered that the proposal would affect nature conservation interests. Landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments 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 reserve 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. Arddleen has not been identified as one of the settlements under policy GP5.

Community: Llandrinio

Able to speak Welsh

	2011	2001	2011	2001
Age	%	%	Number	Number
3+:	12.2	13.7	176	148
3-15:	38	37.3	101	62
16-64:	6.6	9.9	58	70
65+:	5.6	7.6	17	16

It is considered that the introduction of nine dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing (two) will be approximately 20% with a number of other houses of a modest scale.

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

Therefore, given that two of the dwellings will be limited by condition as an affordable units, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

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

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

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

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2106 highway (drawing no: RPP/RC/JOB37-03.2).
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been

submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

8. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

10. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

11. Upon the submission of the reserved matters referred to in Conditions 1 and 2, a scheme for the provision of road widening along the C2106 and a footway shall be submitted

to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwellings hereby approved the approved road widening improvement along the C2106 and construction of a footway shall be fully completed.

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

13. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

14. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

15. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

17. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 30 and shall be retained at this gradient for as long as the dwellings remain in existence.

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

19. The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

20. No dwelling 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.

21. 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.

22. Upon completion of the access as per above conditions 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.

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

24. Upon formation of the visibility splays as detailed in the above conditions 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.

25. 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.

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

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

8. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
10. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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