

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0345	Grid Ref:	299113.11 264499.04
Community Council:	Nantmel	Valid Date:	Officer: 29/03/2017 Thomas Goodman
Applicant:	Mr & Mrs Colin & Janet Evans, Claerwen Valley, Ciloerwent, Rhayader, Powys		
Location:	Land at Nant Glas Farm, Nant-Glas, Llandrindod Wells, LD1 6PA		
Proposal:	Outline: Erection of 2 dwellings, formation of vehicular accesses, installation of sewage treatment plants and associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010).

To the north west of the application site runs the C1213, to the north east are a row of detached dwellings and to the south west is another residential dwelling and the St Mark's Church.

Outline consent is sought for the erection of 2 detached dwellings and the creation of a new vehicular access. Matters relating to landscaping, appearance, layout and scale are all reserved for future consideration and therefore the principle of development and access is required to be determined in this instance.

Consultee Response

Nantmel CC

No objections were made.

Highways Dept south

The County Council as Highway Authority for the County Class III Highway, C1213

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority recommends that the following conditions be attached to any consent granted.

HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access roads measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 113 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Within 5 days from the commencement of the development the area of the accesses to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5m from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that

all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC21 Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

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

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Water Supply

Dwr Cymru Welsh Water has no objection to the proposed development.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Please ensure easement of 8m is maintained, 4m either side of the centre of the main. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Environmental Health

Consultation response received 24/04/2017:

Regards the outline planning for the development (reference above) I have looked through the information supplied and would firstly recommended that during the landscaping and construction period working hours and delivery times be restricted as follows:

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

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

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

Additionally further information would need to be supplied to Environmental Health regards the foul drainage scheme that the client intends to use at the development.

Where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

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

Consultation response received 03/05/2017:

Having looked at the information supplied for the above application, I would advised that as there is two waste water treatment plants on the plans serving two separate drainage field there should be two percolation test done. Only one percolation test has been supplied .

I would also require to see the test holes . If the test holes have been closed they will need to be opened so I can make observations.

Consultation response received 06/06/2017:

I have made a check on the test holes at Nantglas Farm, Nantglas, Llandrindod Wells, Powys, LD1 6PD.

There is an issues I found with the drainage of the test holes during my visit. I currently am not satisfied that the ground would be suitable enough to take the proposed packaged treatment plants proposed. I have subsequently spoken to Gareth Price and he is going to go back to the applicant with the aim of finding a solution.

Consultation response received 10/07/2017:

Apologies for the late reply, we were a staff member down last week . I have now had chance to have a look at the proposed amendments to the scheme in the above planning application. I also have spoken to the councils Land Drainage Officer who offered advise regards the above application.

Advice given indicates that the proposed location for the discharge of the package treatment plants does not have a flow to a watercourse which would mean it is inadequate for the purpose of the drainage scheme proposed.

In its current form I would not be able to support the scheme unless evidence is provided that the discharge point (ditch) does flow to a water coarse or an alternative method is used for the discharge from the package treatment plant?

Consultation response received 14/07/2017:

I can now confirm I am satisfied with the drainage provisions for the above planning application.

Having had a meeting with Simon Crowther (Land Drainage Officer – Powys County Council) present, we checked the exit point on the proposed clay land drainage pipe and there was a flow or water.

The land drainage pipe is a solid type pipe which exits into a land drainage ditch.

Checks also made at the end of this ditch for the flow from the applicants land into a channel which goes to Nant Glas brook and this also had a good flow of water.

Natural Resources Wales advice should be sort also to confirm they are happy for a packaged treatment plant to exit into the land drainage ditch prior to go to the nearby brook.

Representations

Following the display of a site notice, no public representations have been received at the time of writing this report.

Planning History

R4153 - Outline for dwelling and septic tank - Refused 5.6.90

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 - Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP5 – Residential Developments

HP6 – Dwellings in the Open Countryside

DC8 – Public Water Supply

DC9 – Protection of Water Resources

DC11 – Non-mains Sewage Treatment

DC13 – Surface Water Drainage

TR2 – Tourist Attractions

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

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

Paragraph 9.2.3 of Planning Policy Wales states that:

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

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

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

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

Sustainability

In considering the proposed development, Members are asked to consider whether the provision of two dwellings in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

There are limited facilities within the village such as outdoor recreation and St Marks Church. Officers acknowledge that the proposal will provide housing within an existing village setting which is located within reasonable proximity of larger settlements such as Rhayader (approximately 4.5 miles), Crossgates (approximately 6.6 miles) and Llandrindod Wells (approximately 6.7 miles). It is considered that this development would integrate into the existing village setting by being located between St Marks Church, Church Farm and the residential dwelling known as School House. Nant-Glas is defined as a small village within the Powys UDP.

In light of the site proximity to area centres and the limited scale of the development, Officers consider the proposed scheme is on balance appropriate in relation to sustainability.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

The proposed development seeks to create two new accesses off the C1213. The Highway Authority has been consulted and has recommended several highway conditions to be attached to any grant of planning permission. Subject to the imposition of the recommended conditions, it is considered that adequate highway provision can be secured in terms of an acceptable access, visibility splays and access. Officers therefore consider it unlikely that the proposed development would have a detrimental impact upon highway safety, access and parking.

It is therefore considered that the proposed development complies with planning policy GP4 of the Powys Unitary Development Plan.

Appearance, Layout and Scale

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

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating two dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development in terms of noise and foul drainage from the development site. The Environmental Health Officer has requested that the landscaping and construction period working hours and delivery times be restricted in order to protect the neighbouring properties in line with policy GP1 of the Powys UDP.

Additionally the Environmental Health Officer initially requested further information in regards to the foul drainage scheme. Percolation tests including calculations were required in order to

demonstrate that the proposed method of drainage has sufficient size and that ground conditions are suitable for the foul drainage soakaway. Following additional information submitted the Officer requested that details were submitted to demonstrate that there is a discharge point that connects to a water course. This information has been submitted and the Officer has confirmed that they are satisfied with the drainage provisions and confirmed that the exit point on the proposed clay land drainage pipe which leads to a drainage ditch had a flow of water which channelled into the Nant Glas brook which also had a good flow of water.

All septic tanks and small sewage treatment plant discharges in Wales will need to be registered with NRW and will require a separate consent to be obtained from NRW for the sewage discharge to a watercourse.

In light of the above the proposed development subject to the attachment of appropriately worded conditions complies with policies GP1 and DC11 of the Powys Unitary Development Plan (2010).

Affordable Housing

Given the scale of the development (two houses and 0.2 hectares) it is considered that Unitary Development Plan policies do not enable affordable housing to be secured as the site is less than 0.3 hectares and under 5 dwellings.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing within an existing village is considered on to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies.

The recommendation is therefore one of conditional approval.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 4669/1A & 4669/2A).
5. Any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
6. The gradient of the access shall not exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access.
7. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.
8. No other development shall commence until the access 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 113 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

9. 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

10. Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking areas shall be retained thereafter and the turning areas shall be maintained at all times free from obstruction.

11. 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 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in a forward gear.

12. Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway.

13. 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.

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

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

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

Reasons

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

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

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

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

5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

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