

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0368	Grid Ref:	302041.71 293811.08
Community Council:	Caersws	Valid Date:	Officer: 04/05/2017 Eddie Hrustanovic
Applicant:	Tyn y Bryn Farms, Tyn y Bryn, Tregynon, Powys, SY16 3PJ		
Location:	Land adj Church House Farm, Llanwnog, Caersws, Powys SY17 5JG		
Proposal:	Outline : Proposed residential development of up to 5 dwellings, formation of vehicular access and access road and all associated works (all matters reserved)		
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 site subject to this application is located adjacent to the Llanwnog development boundary, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside. Powys UDP notes that Llanwnog is situated along the B4568 to the north of Caersws. It is a small but attractive settlement, which has grown up around St. Gwynog's Church, with limited community services and facilities. Llanwnog has therefore been classified as a Small Village.

The site is located adjacent to Church House Farm (a recently converted residential properties and disused former agricultural building) located on westerly side of the village. To the north of the site the site is bounded by agricultural fields and a graveyard, B4568 county highway to the south, former barn complex to the east. The centre of the village is designated as a Conservation Area. Llanwnog is approximately 2 miles north of Caersws, 7 miles from Newtown and 10 miles from Llanidloes.

Consent is sought in outline for the construction of up to 5 dwellings, including a provision of a single affordable dwelling (4 open market + 1 affordable unit). It is important to note that original submission indicated 6 detached dwellings in linear form, however this scheme was revised on the advice of the Officers, as the design was not considered acceptable bearing in mind the form of the village and impact upon adjacent conservation area.

The scheme has been revised to include a build form to resemble a main farmhouse located around a central courtyard and surrounding barn style dwellings. The revised scheme comprises of two semi-detached barn style dwellings to plots 1 & 2 (one plot being an affordable dwelling) and two private detached barn style dwellings to plots 3 & 5, together

with a private farmhouse dwelling to plot 4. The scheme will utilise the existing entrance road into the site that already provides access to the previously converted barns, now residential dwellings.

Consultee Response

Caersws CC

In regards to the above planning application please see the below comments made by Caersws Community Council:

- There is an issue of there being a pinch point where traffic will be funnelled at busy times.
- There should be a 30mph speed limit in this area for this planning to go ahead.

PCC Highways

I refer to the amended plans relating to the above site and have the following comments to make.

A Traffic Regulation Order is required to amend the speed limit in direct relation to this site. The agent is aware and is in agreement that the cost of this will be borne by the developer. We therefore recommend that a Section 106 Agreement is entered into by the applicant to pay for the reasonable costs associated with the advertisement and implementation of a Traffic Regulation Order.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC8 Prior to the occupation of the 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.

In the interests of highway safety.

PCC Building Control

Building regulations will be required

Wales and West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent Water

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

PCC Environmental Health

I note that the applicant is intending to connect sewage from the site to the main sewer, subject to this being the case I raise no objection

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/0368 which concerns the outline application for proposed residential development of up to 5 dwellings, formation of vehicular access and access road and all associated works (all matters reserved) at Land adjacent to Church House Farm, Llanwnog, Caersws.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 11 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of poor semi-improved grassland which is considered a habitat of low ecological value.

Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appear that sections of the hedgerow (young hedgerow) on the northern boundary will be removed to accommodate the proposed development.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

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

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscape planting scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Biodiversity Enhancement

As the application is an outline application further details will be submitted at a later date as reserved matter, consideration could be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird

- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

PCC Heritage Officer

Thank you for consulting me on the amendments to the above application.

Registered Landscape

The Caersws Basin within the Llanwnnog Character area.

Listed Buildings

Church of St Gwynog Cadw ID 7580 included on the statutory list on 10 March 1953

Telephone Call Box Cadw ID 17555 included on the statutory list on 05 November 1996

Gwyneira with attached farm buildings included on the statutory list on 05 November 1996

The site is adjacent to a number of items included in the Historic Environment Record

PRN84126 Llanwnnog Ridge and Furrow

PRN 78804 Church House Farm

PRN 37495 Llanwnnog Mill

PRN 15730 Llanwnnog

PRN 7554 Llanwnnog Churchyard

PRN 7553 St Gwynog Church

PRN 16403 Llanwnnog Church

PRN 17693 Llanwnnog Church Bells

The site is adjacent to the Llanwnnog Conservation Area.

I note that the application is still in outline, however the indicative layout has been changed and the design justification has provided a detailed description of the intended design rationale.

Paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 which states that there “ should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.....”. The proposed design is of a rural

character being barn like in scale and layout, albeit at outline stage and the details of the design have not been fully provided.

Llanwnog is a small settlement that is a designated conservation area and included in the Historic Environment Records is an historic settlement identified by CPAT in their Historic Settlements report as the centre of an ecclesiastical parish that included Caersws. The settlement is described as having houses grouped around the church (including 2 houses incorporated into the southern half of the churchyard) and the Vicarage and one cottage as outliers.

(source <http://www.cpat.org.uk/ycom/mont/llanwnog.pdf>)

The application site is adjacent to Church House Farm which lies within the conservation area. The development is to the north of the B4568 and is current agricultural land separated from the village by Church House Farm and is rural in character. The settlement has the appearance of being clustered around the church with the application site having the appearance of being immediately outside the village. The concentration of development around the church is not by accident the centre of the settlement often concentrating around the church.

The revised layout reflects the rural character of the area by replicating agricultural buildings in their layout and scale. The application is made in outline and a full application would have been preferable to consider the details, however the design justification indicates that design rationale that is being proposed.

I would refer to paragraph 6.5.21 of PPW which advises that “Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.”

TAN24 which came into effect on 31 May also in paragraph 1.23 confirms that “Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets.”

I would also refer to Planning Policy Wales 9th edition 2016 paragraph 4.11.10, which advises that “In areas recognised for their landscape, townscape or historic value, such as National Parks, Areas of Outstanding Natural Beauty and conservation areas, and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness. In those areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important. The impact of development on listed buildings should be given particular attention.”

National Guidance does not prevent development within or adjoining conservation areas, nor does the Powys Unitary Development Plan. However both Local Plan Policy ENV11 and advice within PPW and the more recent TAN24 emphasises the importance of conservation

areas and their setting and the duty of the Local Planning Authority under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character or appearance of the conservation area.

It is considered that the revised plans illustrate how the character and appearance of the area can be respected and even reinforced by the proposed development.

Should the principle of development in this location be considered appropriate in all other respects, I can confirm that I would not have an objection to the proposal as revised in respect of the setting of the Llanwnog Conservation Area.

Representations

The application was advertised through the erection of a site notice and press advertisement and no 3rd party representations have been received in respect of the proposed development.

Planning History

None

Principal Planning Constraints

- Open Countryside
- Conservation area

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 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 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2013)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside

UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV11 - Development in Conservation Areas
UDP ENV12 - Permitted Development in Conservation Areas
UDP ENV13 - Demolition in Conservation Areas
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

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

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.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

Housing land supply

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the

current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainable location

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llanwnnog (defined as a Small Village within the UDP). Although the village lacks of basic services, however given its proximity to Caersws (approximately 2 miles away), Development Management considers that future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services. 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.

Affordable Housing

The outline submission indicates a mixture of dwellings; however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. The current submission indicates provision of a single affordable dwelling. Therefore, on this basis, it is considered that the proposed level of affordable housing (single unit) is acceptable and a condition should be attached to require the submission of a scheme for the provision of affordable housing.

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.

The site is relatively flat in nature and the proposed plan includes a build form to resemble a main farmhouse located around a central courtyard and surrounding barn style dwellings. The revised scheme comprises of two semi-detached barn style dwellings to plots 1 & 2 (one plot being an affordable dwelling) and two private detached barn style dwellings to plots 3 & 5, together with a private farmhouse dwelling to plot 4.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is bounded by agricultural fields to the north and west, while on its east elevation the site is adjacent to the agricultural building which will be removed as it is no longer in agricultural use and it is in poor state of repair. As the building is no longer in agricultural use Environmental health did not raise any issues of potential negative affect in this instance. The nearest properties to the site are noted to be Barn Cottage, Stable Cottage, Dairy Cottage and Granary Cottage (all previously converted barns) which are located south east of the proposed site and approximately 30-55 metres respectively. While the property known as Rosedale is located south of the development site approximately 30 metres with intervening road (B4568) between.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to plot A, C and E of the proposed site to the nearest identified properties, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

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.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The scheme will utilise the existing entrance road into the site that already provides access to the previously converted barns, now residential dwellings.

Powys Highways Authority notes that Traffic Regulation Order is required to amend the speed limit in direct relation to this site, and this is also requested by the Community Council.

The Officers note that the agent is aware and is in agreement that the cost of this will be borne by the developer. We therefore recommend that a Section 106 Agreement is entered into by the applicant to pay for the reasonable costs associated with the advertisement and implementation of a Traffic Regulation Order. In this instance Development Management considers that a suitable worded condition could be placed on the decision notice to secure the provision of Traffic Regulation Order.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements furthermore the village will greatly benefit of reduced speed limit via implementation of a Traffic Regulation Order. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

Conservation Area

Policy ENV11 of the Powys UDP states that proposals for development within or adjoining a conservation area should be of high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed.

The Heritage Officer notes that the application site is adjacent to Church House Farm which lies within the conservation area. The settlement has the appearance of being clustered around the church with the application site having the appearance of being immediately outside the village. The concentration of development around the church is not by accident the centre of the settlement often concentrating around the church.

The Officers note that the revised layout reflects the rural character of the area by replicating agricultural buildings in their layout and scale. The application is made in outline and a full application would have been preferable to consider the details, however the design justification indicates that design rationale that is being proposed. It is therefore considered that the revised plans illustrate how the character and appearance of the area can be respected and even reinforced by the proposed development and as such the Heritage Officer confirms that there are no objections to the scheme.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy ENV11 of the Powys UDP in respect of Conservation Area.

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.

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. Furthermore the County Ecologist did not raise any concerns with the scheme and have suggested a number of safeguarding conditions to be attached to the decision notice if application is approved.

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 reverse this trend.

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

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted

development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanwnog which falls under Caersws Community has not been identified as one of the settlements under policy GP5.

Community: Caersws

Able to speak Welsh

Age	2011 %	2001 %	2011 Number	2001 Number
3+:	21.2	21.6	324	324
3-15:	43.4	36.6	86	94
16-64:	18	17.5	177	166
65+:	17.5	22.1	61	64

However the amended scheme proposes 1 affordable unit, this provision represents 20% of the overall development and is in keeping with the Viability Study for providing Affordable Housing in Powys (August 2016). It is considered that the provision of affordable dwelling helps mitigate against the impact of a development on the Welsh language, the affordable house provision and the contribution the four open market dwellings make to the lack of a five year housing supply are given considerable weight.

It is considered that the introduction of five 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 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 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.

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, 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 xxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/RC-JOB59-03).
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 dwelling 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. 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.

8. 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.

9. 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.

10. 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.

11. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and

form of construction for as long as the dwelling/development hereby permitted remains in existence.

12. Prior to the occupation of the 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.

13. No development shall commence until a Traffic Regulation Order has been secured by the developer to introduce a reduced speed limit along the B4568, to the written satisfaction of the local planning authority. The order must be implemented together with any associated work required by the Order prior to the written satisfaction of the local planning authority prior to the commencement of any development within the application site.

14. Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

15. A detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted at the same time as reserved matters application and implemented as approved and maintained thereafter unless.

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 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).

7. 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).

8. 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).

9. 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.

10. 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).

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.

14. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

15. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.