

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0815	Grid Ref:	311728.83 263867.71
Community Council:	Penybont	Valid Date:	Officer: 13/07/2017 Kevin Straw
Applicant:	Brightwells Ltd, 33 High Street, Builth Wells, Powys, LD2 3DL.		
Location:	Land off Old Market Meadows, Penybont, Llandrindod Wells, Powys, LD1 5US.		
Proposal:	Outline: Residential development for up to 5 dwellings with garages, formation of access road and all associated works.		
Application Type:	Application for Outline Planning Permission.		

REPORT UPDATE

Following my previous report circulated to Members the recommended conditions have been updated to include a condition securing the affordable dwellings to 130 square meters and also removing permitted development rights (now Condition 9). The recommendation therefore remains one as per my previous report.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered 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 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. A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):

Bedrooms (23.00-07.00 hrs) 30dB LAeq, 8 hour and 45dB Lmax (fast)
Living/dining Rooms (07.00-23.00 hrs) 35dB LAeq, 16 hour and
Living/Dining Rooms (23.00-07.00 hrs) 30dB LAeq, 16 hour.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved. They shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

5. The Pollution Prevention Plan produced by Asbri Planning dated September 2017 shall be adhered to and implemented in full and maintained thereafter.

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

7. Prior to the first installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

8. 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 30% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

9. 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.

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 appropriate internal acoustic amenity levels for future residents.
5. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 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.
6. 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.
7. 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.
8. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)
9. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Informative Notes

Common Land

The Applicant should therefore ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the development i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

NRW

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

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