

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0910	Grid Ref:	324159.88, 302350.02
Community Council:	Fornden	Valid Date:	Officer: 07/08/2017 Bryn Pryce
Applicant:	J P & S Blurton Kingswood Lane, Rose Hill, Fornden, Welshpool Powys SY21 8TR		
Location:	Land adjoining Rose Hill, Kingswood Lane, Fornden, Welshpool, Powys SY21 8TR		
Proposal:	Outline application (with some matters reserved) for up to 4 dwellings and garages, formation of vehicular access road and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

Site Location and Description

This site is accessed via a private track off the U2487 unclassified highway within the large village of Kingswood. The existing site is laid to grass used for the purpose of agricultural grazing. The site is bound by dwellings to the northeast, Offas Dyke Scheduled Ancient Monument to the northwest, agricultural fields to the southwest and mature hedgerows to the southeast.

This application seeks outline consent for the erection of up to 4 dwellings and garages, formation of vehicular access and all associated works. The application considers the principle of residential development on the site and access to it with all other matters reserved for future consideration. An indicative layout for the site and indicative scale has been provided with the application. The site is located directly adjacent to the settlement boundary of Kingswood.

Consultee Response

Fornden CC

Correspondence received 25th August 2017

Councillors reported: Not reached unanimous decision – concerns about Access, Density, Affordability and Sewage impact.

Correspondence received 27th October 2017

Not Supported. concerns about access, density, affordability and sewage impact.

Highways Dept north

Correspondence received 17th November 2017

The County Council as Highway Authority for the County Unclassified Highway, U2487

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a passing bay along the Unclassified U2487 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.

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.

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.

To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Building Control

Correspondence received 17th August 2017

Building Regulations application required.

Wales & West Utilities

Correspondence received 18th August 2017

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Correspondence received 26th October 2017

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Sever Trent Water

Correspondence received 18th August 2017

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

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Correspondence received 27th October 2017

As no drainage proposals have been submitted for site we request our previous comments remain.

Environmental Health

Correspondence received 17th August 2017

Re: Outline application (with some matters reserved) for up to 4 dwellings and garages, formation of vehicular access road and all associated works.

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.”

Rights of way

Correspondence received 31st August 2017

Countryside Services recommends that the application be refused as it does not take into account the existence of public footpath 11.

I write to confirm that the above public footpath could be affected by the above proposal, and as such it is our duty to point out that it is a criminal offence to obstruct, or to interfere with a public right of way without lawful authority or excuse.

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

The Definitive Map is held in the Council's Gwalia Offices, Ithon Road, Llandrindod Wells, and can be viewed by appointment.

If redesigning the layout of the development is not a possible option, the applicant will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0>

For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

PCC Ecologist

Correspondence received 13th September 2017

Thank you for consulting me with regards to planning application P/2017/0910 which concerns the outline application (with some matters reserved) for up to 4 dwellings and garages, formation of vehicular access road and all associated works at land adjoining Rose Hill, Kingswood Lane, Forden, Welshpool.

I have reviewed the information submitted with the planning application as well as aerial images and photographs of the site and surrounding habitats in addition I have consulted biological records for the local area.

The data search identified 39 records of protected and priority species within 500m of the development - no records were identified for the site itself.

No statutory designated sites are present within 500m of the potential development site.

The following non-statutory designated site is present within 500m of the potential development site:

- Kingswood Meadow Local Wildlife Site

Having reviewed the location and nature of the proposed development in relation to the Local Wildlife Site it is considered that there the propose development would not result in a negative impact to the LWS or its associated features.

From aerial photographs the site appears to be an area of poor semi improved grassland, this habitat is considered to be of low ecological importance. The site boundaries appear to be formed by hedgerows with occasional trees, hedgerows are 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. Hedgerows are also included in the Powys LBAP 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'. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

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

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development or any associated works then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided. 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 – 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.

I note from the site photographs that there are a number of mature trees scattered throughout the boundary around the potential development site. While the trunks does not appear to be in the site boundary given the size and age of the trees – the root protection area is likely to extend into the proposed development area. It is therefore recommended that details as to how these features of biodiversity importance for wildlife will be protected during the construction period of works it is recommended that a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 is submitted with any planning application, this could be secured through a planning condition, however the submission of a Tree and Hedgerow Protection Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Within the supporting planning statement it proposes to include native landscape planting. If it 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 landscaping plan is secured through an appropriately worded condition.

Careful consideration will need to be given to any external lighting design within the proposed development 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.

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

Prior to commencement of development a Tree Protection 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 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.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 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 2016.

Correspondence received 21st November 2017

Thank you for re-consulting me with additional information submitted with regards to planning application P/2017/0910.

Having reviewed the additional information and revised plans it is considered that my previous response submitted 13th September 2017 remains valid.

CADW

Correspondence received 5th September 2017

Thank you for your letter of 16 August 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

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

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application area is located immediately adjacent to scheduled monument MG139 Offa's Dyke: Section NE of Welshpool-Churchstoke Road.

The proposed development will cause damage to the setting of the scheduled monument and this will be a material consideration in the determination of this planning application (see

Planning Policy Wales Section 6.5.5): However no information on this issue has been submitted.

Your authority should therefore request more details of the proposed dwelling to be provided. This will require an assessment of the impact of the proposed development on the setting of the scheduled monument to be prepared in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Heritage Assets in Wales (2017). Once this information has been provided we should be re-consulted accordingly.

Correspondence received 7th November 2017

Thank you for your letter of 26 October 2017 inviting our comments on additional information submitted for the above planning application. A new indicative plan of the proposed development has been submitted, showing the most north-westerly dwelling moved to a new location some 20m from the boundary of the scheduled monument. A screening belt of trees some 10m wide is also depicted along the boundary with the scheduled monument.

A heritage impact statement has been prepared in response to the new indicative plan. This assessment concludes that whilst the development shown in that plan would cause harm to the setting of the scheduled monument, this would be minor. Whilst we concur with the result of the heritage impact statement, we have concerns that this is an outline planning application and that the submitted development plan is only indicative.

Consequently we recommend that a condition should be attached to any outline planning consent for this development requiring a 10m wide belt of native broad leaf trees to be planted along the boundary with scheduled monument MG139 Offa's Dyke: Section NE of Welshpool-Churchstoke Road in order to preserve its' setting.

CPAT

Correspondence received 4th September 2017

Thank you for the consultation on this application.

Information held within the Historic Environment Record indicates that the proposed development will be located immediately east of the Offa's Dyke scheduled monument (SM MG139). Plot 4 currently appears to encroach on the scheduled area which extends east of the public footpath in this field.

The close proximity of plots 3 and 4 in particular will have a detrimental impact upon the setting of the monument although the level of impact is currently unquantified. While the view to the west is currently blocked by existing housing the view along the dyke for walkers on the Offa's Dyke Path is largely unrestricted and open in both directions.

Due to the direct impact of plot 4 and the potential indirect visual impacts upon the scheduled monument the applicant will need to discuss the proposals with Cadw as soon as possible. The contact in Cadw will be Mr Neil Maylan via the Ancient Monuments Planning Admin section at amadminplanning@wales.gsi.gov.uk

In accordance with TAN 24: The Historic Environment (May 2017) and Planning Policy Wales (Chapter 6, Nov 2016) we anticipate that Cadw will require an assessment of the impact of

the development scheme upon the setting of the scheduled monument. The assessment should be completed in accordance with the WG/Cadw Managing the Setting of Historic Assets in Wales (May 2017).

It is likely that to reduce the visual impact of the scheme upon the scheduled monument there will need to be a reduction in the number of houses proposed. The removal of plots 3 and 4, which are located in close proximity to the scheduled monument, is likely to reduce the predicted impact.

In summary, the applicant needs to urgently contact Cadw with a full set of application plans and should discuss the requirement for a setting assessment with them.

Correspondence received 30th October 2017

Thank you for the amended information in the form of a Heritage Impact Statement report.

Cadw will be the primary consultee in this case as the development potentially impacts the setting of the scheduled monument and they should be given the opportunity to comment on the findings of the new report. The contact in Cadw is Mr Neil Maylan via amadminplanning@wales.gsi.gov.uk

Representations

A public site notice was displayed near the site for a period of 21 days. Two letters of objection have been received in response by Development Management at the time of writing this report. The comments raised are summarised below:

- Width of highway leading to site inadequate
- Highway safety for other road user including pedestrians
- Public footpath crosses the proposed access
- Affect upon Offas Dyke Scheduled Ancient Monument as a cultural Tourism Asset.

Principal Planning Constraints

Scheduled Ancient Monuments

Public Right of Way

Historic Landscapes Register

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th edition, 2016)

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

Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 23: Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

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

Local Planning Policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highways and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV17 – Ancient Monuments and Archaeological Sites
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP14 – Sustainable Housing
RL6 – Rights of Way and Access to the Countryside
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage

Powys Residential Design Guide 2004

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

Officer Appraisal

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

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

Principle of Development

This application site lies adjacent to the settlement of Kingswood which is classified in the Powys Unitary Development Plan 2010 as a large village. The site is accessed via a private road off the U2487 unclassified highway. The proposal is for up to four open market dwellings and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

'The housing land supply figure 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'.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore, PPW states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided. In line with PPW, residential development outside of settlement boundaries are considered in terms of the site's proximity to services and facilities likely to be required for residential use, and whether the site is suitably connected to these services and facilities.

Kingswood is defined in the UDP as a large village with a chapel, garage, petrol filling station, shop, village hall, public house, children's play area, bed and breakfast and bus stop. To date within the lifetime of the UDP there has been 20 dwellings completed on allocated sites within Forden and Kingswood. The pro-rata growth target set out in the LDP strategy paper states 31 dwellings as an appropriate level of growth for the settlements. In addition to the allocated sites there are consents in place for a further 28 dwellings in total between Forden and Kingswood cumulatively. This application is for four dwellings which would take the level of development over that of the pro-rata growth figure as set out in the LDP strategy paper but not significantly. The LDP has no allocated sites for Forden, but two allocated sites for Kingswood (HA1 – 15 Dwellings, HA2 – 10 Dwellings), however limited weight can be afforded to the LDP at this point in time until the final inspectors report is published.

Officers consider that in this case the proposed site is considered to be a sustainable location for four open market dwellings with access to a range of services and facilities that is well associated with the existing built up settlement form. In light of the above, officers consider that the large village is considered to be a sustainable location for a development of the proposed scale.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The submitted indicative layout submitted with the application shows that there would be up to four 3/4 bed dwellings with the design and access statement indicating that the dwellings will be between 7.7metres in width by 8.5 metres in length, 4.5-5 metres in height to the eaves with ridge heights of between 8.25 and 8.75 metres.

The design and access statement states that the envisaged design of the proposed dwellings would be to reflect the local vernacular comprised of dwellings of red brick construction and rendered walls with tile or slate roofs. The site would be landscaped using native landscape planting.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

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

The proposed site is located adjacent to the settlement boundary of Kingswood. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing large village and would not have an unacceptable adverse visual impact upon the character and appearance of the surrounding area.

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

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC10 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system.

As part of this application process the council's Environmental Health Officers have been consulted who have raised no objection to the scheme as it is to be served by the public sewerage system. Severn Trent have also been consulted and have raised no objection to the proposal subject to the inclusion of a condition to include details of the foul and surface water disposal for the scheme.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC10 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

Scheduled Ancient Monument

The proposed development site is located directly adjacent the Scheduled Ancient Monument (SAM) known as Offa's Dyke (MG139). As part of this application process CADW have been consulted on the proposed development. Initially CADW raised significant concerns over the proposed development potential impact upon the setting of the SAM and requested that a Heritage Impact Assessment be carried out for the proposed development. As a result of the heritage impact statement the indicative layout of the site given was amended to move one of the proposed dwellings to a distance of 20 metres from the boundary of the SAM. The indicative layout plan also shows a 10 metres buffer strip alongside the boundary between the site and the SAM in order to screen the site.

CADW were re-consulted on the additional heritage impact assessment and amended plans received. The conclusions of the heritage impact statement was supported by CADW and they also supported the introduction of a 10 metre buffer strip between the dwellings and the SAM. Concerns have been raised by CADW over the nature of the indicative layout at this outline planning stage and have requested that the buffer strip as shown on the indicative layout be secured by an appropriately worded condition in order to protect the setting of the scheduled ancient monument.

In light of the above, subject to the inclusion of a suitable worded condition, officers consider that the proposed development complies with policy ENV17 of the Powys Unitary Development Plan 2010, Planning Policy Wales and Technical Advice Note (TAN) 24: The Historic Environment (2017).

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

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. 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. The development shall be carried out strictly in accordance with the plans stamped as received on 21st July 2017 (drawing no's: SA25973/01) and amended plans received 25th October 2017 (drawing no's: SA25973/01 REV A).
5. No development shall commence until detailed engineering drawings for a passing bay along the Unclassified U2487 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
6. Before any other development commences, 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.
7. 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.

8. 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.
9. Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
10. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
11. 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 development is first brought into use.
12. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.
13. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the management of a 10 metre buffer zone to be planted with native broadleaf trees to the north west of the site adjacent to the boundary of the Offa's Dyke Scheduled Ancient Monument (MG139) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include details of the implementation, maintenance and retention of this buffer zone and the development must be undertaken in accordance with the agreed details.

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. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
6. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
7. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
8. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
9. 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.
10. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 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 2016.
11. 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.
12. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
13. In order to preserve the setting of the Offas Dyke Scheduled Ancient Monument in line with policy ENV17 of the Powys Unitary Development Plan, Planning Policy Wales (9th Edition, 2016) and Technical Advice Note (TAN) 24: The Historic Environment (2017).