

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0620 **Grid Ref:** 318438.86 247398.05

Community Council: Painscastle **Valid Date:** 05/06/2017 **Officer:** Kevin Straw

Applicant: Mr & Mrs Richard & Kym Hicks-Williams, Colburn, 86 Forest Drive, Catterick, Garrison, North Yorkshire, DL9 4UT.

Location: Land adjacent to Moorhays, Rhosgoch, BUILT Wells, Powys, LD2 3JY.

Proposal: Full: Erection of 2 detached dwellings, formation of new access and parking, landscaping, and all other associated works.

Application Type: Application for Full Planning Permission.

REPORT UPDATE

Following my previous report circulated to Members additional information has been made available to further consider the above proposal in specific regard to the agricultural land classification of the proposed site. Please note that the recommendation remains one as per my previous report.

Officer Appraisal

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3a agricultural land; this is defined as good to moderate quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

"In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

Taking this statement into consideration the classification of land in question is 3a and as such is considered to be the lowest value of land within this category. As such its use is being proposed in light of the current housing land supply shortage within Powys and therefore this argument is being utilised as a sound planning reason to allow development of this category of agricultural land.

Having given this matter due consideration it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal on balance, 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. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no's: 99591.P11, 99591.P21A, 99591.P100C, 99591.P101C, 99591.P102B and 99591.P110A).
3. 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.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in a westerly direction and 85 metres distant in an easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the

visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

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

9. 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 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

12. Upon formation of the visibility splays as detailed in Condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

14. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

15. If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

16. Notwithstanding the provisions of Article 3 and Part 1 of the second Schedule to the

Town and Country Planning (General Permitted Development) (Amendment) (Wales) 2013, (or any Order revoking and re-enacting that Order), no development as specified in Part 1, Classes A,B,C,D and E within the curtilage of the unit hereby approved shall be carried out without planning permission.

17. The development shall be carried out strictly in accordance with the measures identified in Sections 2.1 – 2.7 of the Reasonable Avoidance Method Statement In Respect Of Great Crested Newts Report produced by Celtic Energy dated October 2017. The identified measures shall be adhered to and implemented in full.

18. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

19. 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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.
15. To ensure that no surface water runoff from the new driveway runs onto the highway.
16. 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.
17. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV6 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.
18. To comply with Powys County Council's UDP Policies SP3 and ENV2 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.
19. 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.

Informative Notes

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.

Foul Drainage

The drainage system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore 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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Emergency planning

Flood Warning Direct (FWD) Messages

Property holders who believe that their properties are likely to flood should register for free NRW 'Flood Warning Direct' messages. Further information on this and registration details can be found on the NRW website at the following link:

<https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

Please note that the (UK) Environment Agency provides FWD services to customers in Wales on behalf of NRW.

During heavy and persistent rainfall individuals should remain alert and not be fully reliant on the above warnings. Where safe to do so they should pro-actively monitor river and stream levels in their immediate area and take appropriate action (including evacuation).

Community & Personal Flood Plans

Any Community or private individual that believes they are at risk of flood are strongly encouraged to complete a 'Community Flood Plan' or 'Personal Flood Plan' and templates and guidance instructions can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/community-flood-plan-template>

<https://www.gov.uk/government/publications/personal-flood-plan>

Specific Observations

The following Specific Observations are made:

a. Evacuation from a property is not always the best option and could endanger the occupants. It is sometimes (dependant on predicted flood depths) safer to move to a higher floor within a building and wait for the floodwater to dissipate. This decision should be made after a Dynamic Risk Assessment has been undertaken. This information should be included within any Flood Warning and Evacuation Plan produced.

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