

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0571	Grid Ref:	312659.85 326184.17
Community Council:	Llanrhaeadr	Valid Date:	Officer: 18/05/2017 Eddie Hrustanovic
Applicant:	Mr N Jones, Tanat Valley Developments, Woolston Bank, Fairfield, Oswestry SY10 8HZ		
Location:	Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ		
Proposal:	Outline application for residential development for up to 5 dwellings, formation of access road and all associated works		
Application Type:	Application for Outline Planning Permission		

Reason for the update

The application was deferred from Committee on the 26th October 2017 for Officers to further assess the potential impact of the proposed development on the Welsh language and culture.

Officer Appraisal

Para 3.2.2 of Planning Policy Wales states that when a LPA receives a proposal for a large development in an area it has defined as linguistically sensitive or significant, an assessment of the likely impact of the development on the Welsh language may be undertaken. A large development would normally be defined as 10 or more residential dwellings unless the LPA has set locally-appropriate thresholds in development plans, based on evidence.

Within the UDP policy GP5 has identified Llanrhaeadr ym Mochnant as a settlement where proposals will only be acceptable where it can be demonstrated that proposals have taken full account of the importance of the Welsh Language and culture.

Concerns were raised at Committee on the 26th October regarding the potential impact of this proposal in combination with recently consented schemes on the Welsh language and culture of the area. The original report provided detailed information regarding the local population and the Welsh language and identified that there had been a decrease in the numbers of Welsh speakers in the area. Since 1991 the percentage of Welsh speakers in Llanrhaeadr ym Mochnant has fallen from 64% to 43% (as recorded in the 2011 Census).

As such, whilst difficult to state that the development of housing is the reason for the decline in Welsh speakers, it is considered that on this occasion it would be beneficial require a Welsh Language and Culture mitigation plan to be submitted in order to alleviate any potential impacts. The condition will read as follows;

Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

RECOMMENDATION

Therefore, the recommendation is one of conditional consent subject to a section 106 agreement for the provision of open space amenity, phasing of the development and subject to conditions listed below;

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 xxxx in so far as the extent of the application site as indicated in drawing no: P-02.

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. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

8. A detailed landscaping scheme shall be submitted at the same time as the other reserved matters. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

9. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. Any entrance gates 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.

11. 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 10 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.

12. 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.

13. 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.

14. The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

15. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including

the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

16. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

18. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

20. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

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.

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 that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating 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).

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (9th Edition, 2016).

9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical

Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 9, 2016).

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

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

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

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

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

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

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

20. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0571	Grid Ref:	312659.85 326184.17
Community Council:	Llanrhaeadr	Valid Date:	Officer: 18/05/2017 Eddie Hrustanovic
Applicant:	Mr N Jones Tanat Valley Developments Woolston Bank Fairfields Oswestry SY10 8HZ		
Location:	Phase 2, Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant Oswestry SY10 0JJ		
Proposal:	Outline application for residential development for up to 5 dwellings, formation of access road and all associated works		
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 extends to approximately 0.38 hectares and is located on the northern side of the B4580 highway to the east of the centre of Llanrhaeadr Ym Mochnant. The site sits in an elevated position in comparison to the settlement and forms part of a larger field currently in agricultural use and it is adjacent to recently approved site for 5 dwellings (Phase 1, P/2015/1128), however detached from the settlement boundary. The site is slightly elevated in comparison to the Phase 1 site and adjacent B4580 highway which and is bound with a hedgerow and scattered trees along the highway. The proposed development will utilise the already approved vehicular access under the provisions of approved planning permission P/2015/1128.

Llanrhaeadr Ym Mochnant is categorised as a Large Village in the current Powys Unitary Development Plan (Insert map number: M164),

The application is submitted in outline for the erection of five detached, two storey dwellings with garages. The upper and lower limits for the proposal are:

Lower limits – 10m x 10m x 7.5m
Upper limits – 14m x 14m x 8.75m

Consultee Response

Llanrhaeadr Y M CC

No response received.

Highways Dept north

Recommendations/Observations

HC1 Any entrance gates 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.

HC7 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 10 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.

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.

HC12 The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

In the interests of highway safety.

Building Control

Building Regulations application required.

STW

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

Wales & West Utilities

No reply received with the current application

Environmental Health

As the proposed dwellings will connect to mains drainage I have no objection to the planning application.

PCC Rights of Way

Thank you for consulting Countryside Services on the above application. A Public Right of Way (Footpath 4) abuts part of the north-western external boundary of the proposed development, outside of the site, and **does not** appear to be directly affected by it.

Affordable Housing Officer

No reply received

PCC Ecologist

No reply received

PCC Land Drainage

No reply received

Cllr Aled Davies

No reply received

Representations

Following the display of a site notice and publicity in the local press no third party comments have been received.

Planning History

P/2017/0487 - Reserved matters application for access, appearance, landscaping, layout & scale in connection with P/2015/1228 (5 dwellings), Pending.

P/2015/1228 - Erection of 5 detached dwellings with garages, formation of vehicular access and associated works (outline), Consent.

P/2015/0548 - Erection of a dwelling and detached garage together with creation of new vehicular access (outline). Withdrawn.

M/1996/0752 - Residential development and access (outline). Refused.

Principal Planning Constraints

- Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest;
- Class 2 highway; and
- Outside of settlement boundary.

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)

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

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Welsh Office Circular 11/99 - Environmental Impact Assessment

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

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 ENV16 - Landscapes, Parks and Gardens of Special Historic Interest

UDP ENV17 - Ancient Monuments and Archaeological Sites

UDP TR2 - Tourist Attractions

Powys Residential Design Guide

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

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

The proposed development lies wholly outside the development boundary of Llanrhaeadr Ym Mochnant as detailed on inset map M164 and would result in five dwellings being constructed outside the settlement boundary.

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.

Housing land supply

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

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

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

TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Llanrhaeadr Ym Mochnant is classified as a large village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M164 HA1 – Land opposite the Telephone Exchange, part OS0776 (1.3Ha) with capacity for 20 dwellings) and this site still remains undeveloped and no application was ever received for the development of this site during the current plan period. This allocation would indicate that it is considered that the settlement can sustain a development of that proposed

with the scale and density of the development not leading overall capacity of the settlement being significantly exceeded.

It is important to note that the Planning, Taxi Licensing and Rights of Way Committee resolved to grant outline permission for five dwellings on land adjacent to the current application site under reference P/2015/1228, while the Reserved matters application is currently being considered by Development Management, which clearly indicates the commitment by the developer to develop this site as soon as possible.

it should be noted that the site itself is approximately 60 metres to the north east of designated settlement boundary with consented site P/2015/1228 between.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llanrhaeadr Ym Mochnant is classified as a large village in the UDP and it is noted that the village is served by a good range of community services and facilities including medical practice, dentist practice, shops, primary school, places of worship, village hall, public houses, recreation ground and industrial estate. It is also noted that the village is served by a bus route.

In light of the above, the site is considered to be within a sustainable location due to the services provided locally and 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

Given that the proposal is for five dwellings, the UDP requires a proportion of affordable housing. UDP Policy HP7 states that a proportion of affordable housing will be sought based on the extent and type of need as identified by the Council's Housing Needs Survey, successive surveys or other reliable robust data sources and the nature of the site.

Evidence of local need has been provided by the Council's Affordable Housing Officer during the Phase 1 application which indicated the following data:

Bedroom	Housing need
1	14
2	30
3	12

This is an accepted form of evidence which demonstrates robust evidence of housing need in the locality. The applicant has offered to provide on-site provision of one affordable dwelling. This equates to a 20% provision which is below the 30-35% proportion advised that is normally achievable within the UDP. The UDP supporting text to Policy HP7 emphasises that:

'The negotiation process will be the key to actual provision by ensuring that each site is capable of providing the necessary subsidy and yet still able to be developed economically. All negotiations for the provision of affordable housing will be based on the characteristics - development costs, constraints and nature – of each individual site and whilst all eligible sites will be expected to contribute, the degree of provision actually achieved will vary in relation to the circumstances of each site. Although the scale of affordable housing to be provided will be a matter for negotiation for each individual site, as a guideline, proportions of between 30-35% should normally be achievable and this is in line with the level of need identified in the Housing Needs Study 2002.'

Members are advised that the provision of two affordable dwellings would equate to 40% provision, which is above the proportion advised within the UDP. Given the scale of the proposed development, whilst a 20% provision is lower than the recommended percentage within the UDP, Development Management considers that the provision of **one** unit is acceptable in terms of the principle of the housing policies of the UDP and the affordable housing SPG.

The outline submission indicates five four bedroom dwellings; however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. Therefore, it is considered that there is scope to provide a dwelling or dwellings to match the need and a condition could be attached to restrict the floor space of the dwelling to that set out within the UDP (130m²).

Design and layout and impact upon surrounding area – landscape and visual impacts

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is not located within a designated area of outstanding natural beauty, however the character of the locality is noted, where the site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the Llanrhaedr Farmlands VSA (MNTGMVS351) which has a high evaluation. The land opposite the site, across the highway is situated within the Lower Tanant Valley VSA (MNTGMVS580) which has a moderate classification. The village of Llanrhaeadr is situated within the Llanrhaeadr-ym-Mochnant VSA (MNTGMVS654) which is classified as moderate.

The indicative layout and scale shows five detached, two storey dwellings with garages sited in two rows north of the approved Phase 1 scheme and accessed off a shared private drive. The layout demonstrates that the site can accommodate five dwellings and detailed design would follow at a later date, if this outline application receives consent which would provide

the opportunity to ensure that the dwellings have an acceptable appearance and design. The immediate surrounding properties consist of a mixture of one and two storey detached properties with a mixed palette of materials; including brick and render. Dwellings in the centre of the village are predominately stone with mixed scales of one and two storey, terraced and detached. Therefore, the proposed scale of two storeys is not considered to be out of character with the locality.

The submission also indicates some shrub and tree planting although the details of such have not been provided.

Whilst it is acknowledged that the site is elevated above the highway and that the proposal would result in a visual change in comparison to the current agricultural use and that the access works would be significant engineering operations, existing dwellings to the west and east of the application are in an elevated position with associated vehicular access points and driveways. Taking into account the character of existing development in the locality, that landscaping measures would reduce the visual impact and that the proposed scale of additional five dwellings is considered to reflect the character of the development that has occurred along the highway at this location. It is recommended that any consent should include conditions requiring the submission, approval and implementation of more detailed landscaping measures.

Impact upon amenities enjoyed by the occupants of neighbouring properties

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 proposal would develop agricultural land north east of Bryn Derw and north west of Llys Awel. In addition, the site is opposite the property known as Penymaes which is located to the south across the highway and with intervening Phase 1 development.

The Council's Residential Design Guide does not set out minimum distances for privacy in respect of front elevations and states that distances should normally be determined by the character of road widths in the area. 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 5 and Llys Awel, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

The side elevation of Bryn Derw is shown to be located in excess of 25 metres from the side elevation of plot 2 which complies with the guidance set out within the Residential Design Guide.

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. In addition, this planning consideration can be considered further at the reserved matters stage.

Highway access and parking requirements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the Phase 2 site would be gained off B4580 highway via new access which was consented on Phase 1 development. The speed limit at this location is 30 mph and the Highway Authority has not objected to the proposal in this respect.

The key concern of the Highway Authority during the Phase 1 application was the lack of pedestrian facilities into the village and whether the proposed footpath along the frontage of the site can be constructed.

Whilst the officers at that time considered that it would be preferable to provide a footpath into the village to benefit proposed occupiers, existing residents and highway users, it was considered that such provision was not feasible at this location. It was also noted that there is no footpath along Park Street from Market Square, past the Hand Inn to the car park and as such it was questioned where an extended footpath would link to. Therefore, whilst pedestrian links are encouraged, in that instance, given the local site circumstances, it was considered unreasonable to impose an additional cost to the development that would be of limited benefit.

Therefore it is considered that adequate provision for highway access in terms of visibility, turning and parking within the current site (Phase 2) would be provided in accordance with UDP Policy GP4.

Foul and surface water disposal

It is proposed to dispose of foul sewage to the mains system which is the preferred method of disposal within planning policy. Severn Trent Water has confirmed that there is no objection to the proposal subject to the inclusion of a condition requiring drainage plans for foul drainage. It is recommended that the suggested condition is attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

It is proposed to dispose of surface water via main sewer and soakaway. Severn Trent Water has not objected to this proposed method, however they have recommended a condition requiring the submission, approval and implementation of a surface water drainage scheme. In order to ensure an adequate means of surface water disposal is provided in accordance with UDP Policy DC13, it is recommended that the suggested condition is attached to any consent granted.

Impact upon nature conservation

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

Although the County Ecologist did not comment in this instance, however 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.

Impact upon tourist attractions

The Countryside Officer notes that a Public Right of Way (Footpath 4) abuts part of the north-western external boundary of the proposed development, outside of the site, and does not appear to be directly affected by it. The proposed development would be visible from the public right of way and would result in visual changes to the locality, as considered above. However, given that the existing detached dwellings in the locality can be seen from the public right of way, it is not considered that the introduction of further detached residential dwellings would cause an unacceptable adverse effect upon the environmental setting of this public right of way in accordance with UDP Policy TR2.

Impact upon heritage assets

Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest

The site is located within the Dyffryn Tanat Landscape of Outstanding Historic Interest. Chapter 6 of Planning Policy Wales advises that information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register. The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application. UDP Policy ENV16 requires consideration to be given to the protection of the special historic interest of historic landscapes included in part 2 of the register of landscapes, parks and gardens of special historic interest in Wales will be sought.

The landscape is summarised as a narrow lowland river valley situated between the Berwyn Mountains and the Montgomery Hills, containing diverse evidence of land use from prehistoric to recent times. The area includes significant crop-marks of hidden prehistoric ritual and funerary sites; large well-preserved Iron Age hillforts; prehistoric to recent mining remains; medieval mottes, settlements and Pennant Melangell Church.

Given the scale of the development, that the impact can be mitigated by landscaping and design considerations, it is not considered that the proposal would have more than a local impact upon the Landscape of Outstanding Historic Interest and would not have an unacceptable impact upon the character or appearance of the overall landscape asset in accordance with UDP Policy ENV16.

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:

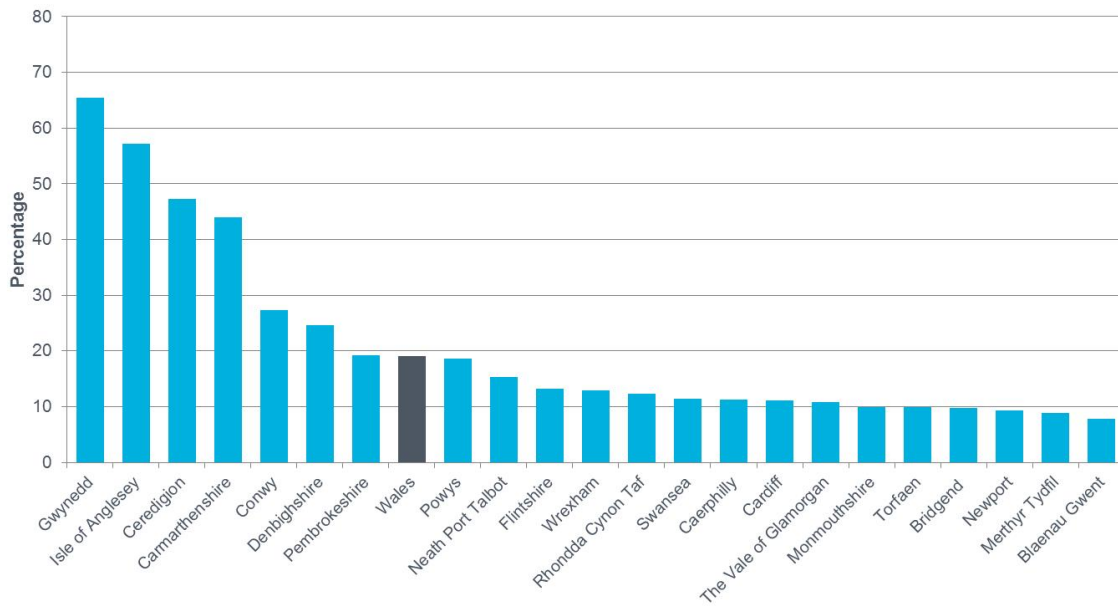
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning 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. Llanrhaeadr ym Mochnant has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;

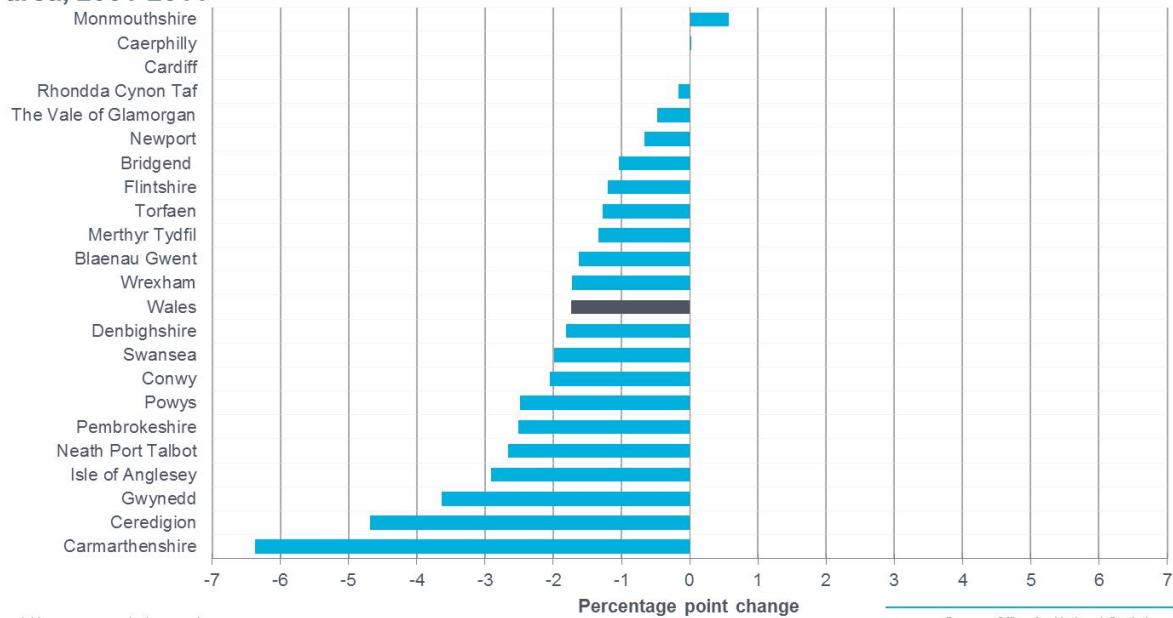
Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area



welshlanguagecommissioner.wales

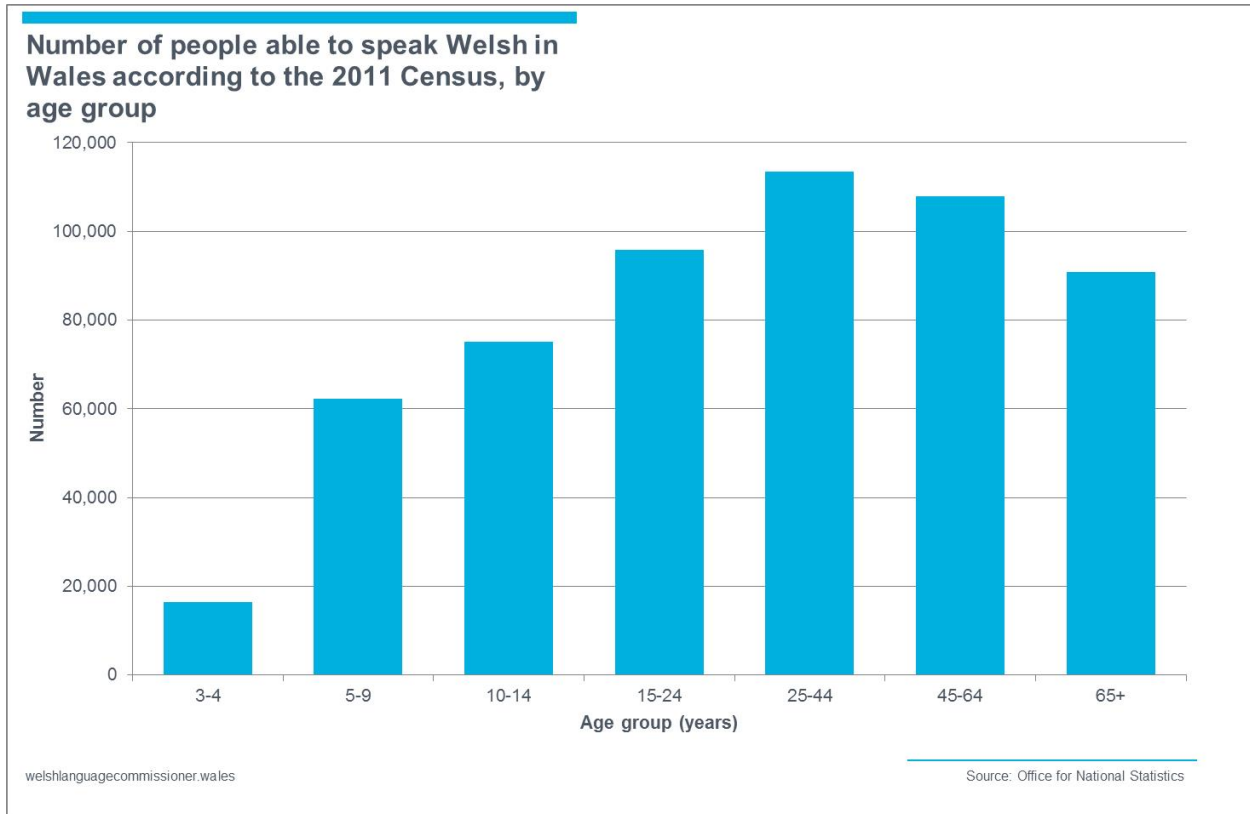
Source: Office for National Statistics

Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics



2001 Census

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,435	81	74	36	673	27	544

2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
2,242	1,204	207	756	104	53	602	72

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	42.5	54.1	497	639
3-15	56	68.2	93	159
16-64	39.3	48.5	85	349
65+	43	57.7	119	138

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanrhaeadr ym Mochnant ward has unfortunately decreased. In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

“The 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 housing 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 and as such Members are advised that the proposed affordable housing provision is considered acceptable”, and

“It is considered that the introduction of the proposed five dwellings would 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 proposed scale would threaten the existing facilities or force sections of the population away from these facilities”.

The scheme brings forward an appropriate number of affordable units as suggested under Policy GP5. The proposed scheme will provide a proportion of affordable housing. It is stipulated as a guideline within the adopted UDP to be between 30-35%. However, it is noted that the scale of affordable housing to be provided will be a matter of negotiation for each individual site.

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. It is envisaged that the number of affordable dwellings within the scheme to be approximately 2 units, with a maximum footprint of 130m² therefore ensuring affordability. The affordable dwelling will be integrated throughout the site.

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 these facilities or force sections of the population away from these facilities. It is 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 to mitigate against the impact of a development on the Welsh language.

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.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanrhaeadr the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

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 with residential development having been refused previously, the Council's current lack of housing land supply carries

significant weight in favour of this development. Whilst the site is located close to the development boundary of Llanrhaeadr Ym Mochnant, it is accepted that the proposal would result in visual changes to the locality. However subject to future consideration of the design and the implementation of landscaping measures, it is considered that the proposal would not result in an unacceptable adverse impact upon the surrounding landscape, public vantage points, the identified public right of way and the historic landscape.

Following careful consideration, on balance, it is considered that the lack of housing land supply within the county warrants the approval of this development. Therefore, the recommendation is one of conditional consent subject to below conditions.

Conditional Consent

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 xxxx in so far as the extent of the application site as indicated in drawing no: P-02.

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. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

8. A detailed landscaping scheme shall be submitted at the same time as the other reserved matters. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

9. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. Any entrance gates 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.

11. 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 10 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.

12. 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.

13. 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.

14. The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

15. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including

the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

16. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

18. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

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.

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 that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating 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).

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (9th Edition, 2016).

9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 9, 2016).

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

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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk