

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0969	Grid Ref:	300661.43 294136.08
Community Council:	Caersws	Valid Date:	Officer: 22/08/2017 Gemma Bufton
Applicant:	Mr L George, Pontdolgoch Mill, Pontdolgoch, Caersws, Powys, SY17 5JE		
Location:	Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys, SY17 5NJ		
Proposal:	Outline: Proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved).		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located within the Community Council area of Caersws and within the rural settlement of Pontdolgoch. The application is however located outside of any settlement boundary and is therefore considered to be a departure from the Unitary Development Plan.

The application site is located with the A470 trunk road running to the west of the application site and the U2887 county highway to the south in which access is sought from. To the north is agricultural land whilst to the east is a small area of woodland which adjoins the River Carno.

Consent is sought in outline with all matters reserved except for access for the erection of two detached dwellings.

Consultee Response

Caersws Community Council-

No response received at the time of writing this report.

PCC Highways-

The County Council as Highway Authority for the County Unclassified Highway, U2887

Wish the following recommendations/Observations be applied
Recommendations/Observations

With reference to the planning application relating to the following proposed development:

The applicant should be aware that upon the issuing of Building Regulations, the Highway Authority will serve notice under S.219/220 of the Highways Act 1980 requiring the developer to pay a sum of monies prior to any works commencing on the site.

HC1 Prior to the occupation of any 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.

HC3 The centre line of the first 10 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.

HC4 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 43 metres distant in each 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.

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, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 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.

HC13 Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21 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 10 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,

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

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.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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.

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

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

PCC Building Control-

Building regulation approval will be required.

PCC Ecologist-

13th October 2017

Thank you for consulting me with regards to planning application P/2017/0969 in relation to the outline for proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved) on land opposite Cefn y Wern, Pontdolgoch, Caersws.

I have reviewed the proposed plans and aerial images of the proposed site for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 40 records of protected and priority species within 500m of the proposed development – no records for the site itself.

There are no designated sites present within 500m of the proposed development.

Habitat Phase 1 and Protected Species Survey

The area that the of the proposed developments appears to be an area of semi-improved grassland with a hedgerow boundary to the south and southeast and Afon Carno which is lined with mature trees to the north of the proposed development.

The well-established hedgerow boundary along with the trees in combination with the Afon Carno watercourse and grassland present provide a diverse site that forms part of a corridor of habitats of high ecological value.

An extended Phase 1 habitat survey is recommended to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Consideration should be given for the potential for the site to be used by Bats – particular attention should be given to the potential for the mature trees on the proposed development site to support roosting bats. I also note a number of reptile and records of otter within close proximity of the proposed development site.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity

IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Therefore it is considered that there is insufficient information with regard to potential impacts to protected and priority species, to determine this application. Further information is required to be submitted prior to determination of the application.

Pollution Prevention Plan

Given the proximity of proposed development to Afon Carno (approximately 25m) to the North of the proposed development and the nature of the proposed works it is considered that a pollution prevention plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition however, as further information has been requested prior of determination of the application - submission of these details at this stage would avoid the need for a pre-commencement condition requiring this information.

It is recommended that reference is made to Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Tree and Hedgerow Protection Plan

Its appears from the proposed plans that sections of hedgerow maybe removed to provide new vehicular access. It is important to note that 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 and linear tree features 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 including creation of new access 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 or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows 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.

Given the proximity of development to surrounding trees and hedgerows, it is considered prudent to require information as to how these features of biodiversity importance will be protected during the construction period of works.

Landscaping Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. This information could be secured through a planning condition, however the submission of a Landscaping Planting Scheme with a planning application would avoid the need for a pre-commencement condition requiring this information.

Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area, woodland or watercourse. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Additional correspondence 16th November 2017

The site area is understood to be 0.4 hectares and includes up to 3 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

Following previous comments on this application provided by the Powys County Council ecologist on 13th October 2017 an extended Phase 1 habitat survey has been completed by Arbor Vitae Environment (October 2017) and the accompanying report submitted with the application as additional information. These observations are based on the ecology report, an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The ecology report confirms that the proposals are located on a semi-improved grass field (heavily grazed by sheep) within a working livestock farm. The proposals would occupy the

southern corner, which is bounded by a hedgerow to the south-west (of which 25m would be lost to create a visibility splay) and a woodland following the Afon Carno to the south-east.

European Species

Within 1km of the site historic records of European Protected Species are sparse, but include unknown bat species (within 204m), Otter (within 283m), Pipistrelle bat species (within 430m) and Brown Long-eared bat (within 479m), but none from within the site itself.

The ecology report by Arbor Vitae confirms that there are no bat roosting features within the site, but such features are present within the fringe of the adjacent woodland to the east, which also provides a foraging route for bats. The report makes recommendations to mitigate the impact on bats by installing lighting that is sensitive to bats and other nocturnal wildlife, particularly avoiding illumination of the adjacent woodland edge. The replacement of hedgerows is also recommended as well as the provision of six bat boxes within the adjacent woodland edge.

The adjacent woodland is also considered likely to provide suitable habitat for dormice, but the hedgerow within the site is heavily-maintained and therefore not considered suitable. The ecology report considers impacts on this species as being negligible.

UK species

In addition to the species listed above, within 1km of the site there are historic records of Slow Worm and Grass Snake (within 204m) and Barn Owl (within 657m).

The ecology report does not consider that adverse impacts on reptiles would occur at this site, but the hedgerow that borders the site provides potentially suitable habitat for nesting passerine birds. Recommendations are therefore made in the Arbor Vitae Ecology Report regarding sensitive timing of the site clearance works and suitable avoidance measures to avoid adverse impacts on these features. Recommendations are also made to retain trees and translocate hedgerows in order to maintain these habitats at the site.

Replacement planting of native species hedgerows is also proposed as well as the provision of six bird nest boxes within the woodland edge trees.

Section 7 Species and Habitats

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

In addition to the species listed above, within 1km of the site there are historic records of Hedgehog (within 400m), Hare (within 400m) and Polecat (within 261m).

The ecology report considers that a potential foraging and migration route for Hedgehogs and Polecats could be lost to the development due to removal of the hedgerow. Sensitive timing of the hedgerow clearance to take place between March and November outside of the Hedgehog hibernation period is therefore recommended in the ecology report by Arbor Vitae.

It would seem likely that the creation of the new access point would require the removal of 25m of hedgerow. Hedgerows are a Section 7 Priority Habitat and the Ecology Report states that 65m of replacement hedgerow consisting of locally-occurring native species will be planted around the boundaries of the site. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock. If this is not possible, the replacement hedgerow stock should consist of locally-occurring, native species to be approved by the LPA prior to commencement of works.

Given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

Rivers are also a Section 7 Priority Habitat and the Afon Carno is located approximately 25m to the east of the proposal. A Pollution Prevention Plan, referring to GPP5 and PPG6 is therefore required to be submitted for the LPA's approval prior to commencement of works.

LBAP Species and Habitats

In addition to the species listed above, within 1km of the site there are historic records of Palmate Newt (within 261m), Smooth Newt and Common Frog (within 204m). The Ecology Report does not refer to these species being present within the site, but please refer to the observations above regarding proposed mitigation for bats, bird species and hedgehogs.

International Sites (within 1km)

There no international sites for nature conservation within the search area.

National Sites (within 1km)

There no national sites for nature conservation within the search area.

Local Sites

There no local sites for nature conservation within the search area.

The Ecology report by Arbor Vitae does not make reference to non-native invasive species being present within the site.

Recommendations

The recommendations contained within the extended Phase 1 habitat survey report by Arbor Vitae (October 2017) should be conditioned accordingly and implemented within the proposals. I have included suggested conditions regarding this below.

I have also made recommendations for the applicant to provide a lighting plan, tree protection plan and pollution prevention plan prior to commencement of the works and suggested conditions for these are provided below.

I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock. If this is not possible, the replacement hedgerow stock should consist of locally-occurring, native species to be approved by the LPA prior to commencement of works.

I consider that sufficient information has now been provided to determine the ecological impact of this application.

Recommended Conditions

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

The recommendations regarding hedgerows, bats, birds and hedgehogs identified in Section 6 of the Ecological Report by Arbor Vitae dated October 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 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 the Environment (Wales) Act 2016.

Prior to commencement of development a Pollution Prevention Plan 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 ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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 the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter 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 the Environment (Wales) Act 2016.

Prior to commencement of development, a Species List for the Landscape Planting 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 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 the Environment (Wales) Act 2016.

SP3 Natural, Historic and Built Heritage
ENV 2: Safeguard the Landscape
ENV 3: Safeguard Biodiversity and Natural Habitats
ENV 6: Sites of Regional and Local Importance
ENV 7: Protected Species

PCC Environmental Health-

20th September 2017

Thank you for your consultation in respect of this application. Whilst the development is relying on septic tank drainage, the applicant has not provided a suitable porosity test results to confirm that the ground is suitable and that they have sufficient land for the size of the development. The septic tank also need to be of suitable capacity.

This is particularly pertinent in Pontdolgoch as from experience the area does contain poorly draining soils in some parts of the village and in addition there will be loading from 3 houses

At present we would be recommending refusal due to insufficient information, but would welcome any additional information from the applicant.

Additional Correspondence 3rd November 2017-

Thank you for the additional information. Subject to the applicant securing the necessary consent to discharge to the watercourse I have no objection to this application.

PCC Welsh Government Transport-

I refer to your consultation of 04/09/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The septic tank effluent shall not interfere or connect in any way with the highway surface water drainage or give rise to nuisance upon the highway
2. The applicant shall provide wheel- washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during construction phase and be used by all vehicles exiting the construction site.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

Representations

Two letters of objection have been received. The letter can be summarised as follows:

- Impact on privacy for neighbouring residential properties
- Increase on traffic and impact on highway safety
- Orientation of proposed dwellings
- Increase in flood risk (highway drainage)

Planning History

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

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

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5- Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15- Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20- Planning and the Welsh Language (2017)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14- Development in Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
HP10 – Affordability Criteria
TR2- Tourist Attractions and Development Areas
DC9- Protection of Water Resources
DC10- Mains Sewage Treatment
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14- Flood Prevention Measures

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

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

The application site is located entirely outside of a settlement development limits as defined by the Powys Unitary Development Plan (2010). 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 as 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”.

Whilst 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.

Sustainability

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.

The site itself is within the rural settlement of Pontdolgoch. Whilst a rural settlement and this application is for two proposed dwellings it is considered that Pontdolgoch is located within proximity to a number of settlements including the following:

Clatter 850 metres
Llanwnog 1.4km
Caersws 2.5 km
Carno 4.7km

Based on the proximity of these services which include facilities such as Church, Primary Schools, Railway Stations, Shops and Public Houses/ Hotels and the location on the A470 trunk road which boasts good transport links it is considered that on balance that two dwellings within this location would be considered as acceptable.

Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

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. The proposed scheme indicates 2 detached dwellings.

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 the 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.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

Letters of objections have been received from neighbouring residential properties. The concerns raised relate to loss of privacy to the neighbouring residential properties. It is noted that there are no residential properties located directly adjoining the application site. The closest is located on the opposite side of the unclassified road and located approximately 70 metres to the south of the application site. Based on the distances involved as indicated on the indicative layout it is considered that the proposed development would not be seen as having an impact on the amenity of the neighbouring residential property by either loss of light or privacy.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

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

Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwellings, it is considered that a satisfactory detailed design could be put forward to reflect the overall character and appearance of the settlement and 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.

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 4 agricultural land; this is defined as poor 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.”

In light of the lands classification of category 4 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.

Ecology

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).

It is noted that the development site is located on semi-improved grass field within a working livestock farm. Insufficient information was received but following re-consultation an Ecology report was submitted in support of the application site which confirmed that there is no bat roosting features within the site. The Ecologist has been consulted and has confirmed that they have no objection to the proposed development subject to the implementation of appropriately worded conditions.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Caersws is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Caersws community area the percentage of those with some knowledge of Welsh has increased slightly by 5.7% since the 2001 census data

In light of the above and given the scale of the proposed development it is considered that the proposal will not have an unacceptable adverse impact upon Welsh language and culture.

Other Planning 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.

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 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 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. Prior to the occupation of any 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.
5. The centre line of the first 10 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 43 metres distant in each 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 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.
8. 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.
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 0.4 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.

10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5.5 metres for a minimum distance of 10 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 development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

12. 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 10 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.

13. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

14. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

15. 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.

16. Upon formation of the visibility splays as detailed in Condition 6 above the centreline of any new or relocated hedge/fence/wall 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.

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

18. The recommendations regarding hedgerows, bats, birds and hedgehogs identified in Section 6 of the Ecological Report by Arbor Vitae dated October 2017 shall be adhered to and implemented in full.

19. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

20. Prior to the first use of any external lighting a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and development thereafter shall be completed in full accordance with the details as approved.

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

5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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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. To comply with Powys County Council's UDP Policies SP3, ENV2 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 the Environment (Wales) Act 2016.
19. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
20. 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 the Environment (Wales) Act 2016.