

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1154	Grid Ref:	315965.31 305563.63
Community Council:	Castle Caereinion	Valid Date:	Officer: 11/10/2017 Sara Robinson
Applicant:	Mr David Thomas, D J Thomas Developments Ltd, Dolanog, Ysgubor-y-Wig, Welshpool, Powys, SY21 1AS		
Location:	Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys, SY21 9DZ		
Proposal:	Full: Erection of 4 no. dwellings with detached garages, formation of vehicular access roadway and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan and is recommended for approval.

Site Location and Description

The application site lies within the Community Council of Castle Caereinion. The site is located adjacent to the cul-de-sac Swallows Meadow which joins onto the settlement boundary of Castle Caereinion and in the open countryside as defined by the Powys Unitary Development Plan (2010). The site is accessed by the unclassified road U6051 which connects to the county highway B4385. The nearest neighbouring residential properties are those of Swallows Meadow adjoining the site to the east. To the south and west of the application site are agricultural fields and to the north is the unclassified road U2439 with a woodland beyond.

The application is for the erection of 4 no. dwellings with detached garages, formation of vehicular access roadway and all associated works. Full permission has been sought for the proposed development.

Consultee Response

Castle Caereinion Community Council

Castle Caereinion Community Council met last week and discussed planning application P2017/1154 erection of 4 dwellings with detached garages, formation of vehicular access and all associated works at Swallows Meadow.

The council has concerns about additional traffic within the estate as a number of children play in the estate; and to that end request that the 20mph currently in place in parts of the

village / estate be extended to cover all of Swallows Meadow and further traffic calming to be introduced when forming the vehicular access to further safeguard residents and children.

If the above measures are included within the approval, we are in support of the development.

Highways Department north

The County Council as Highway Authority for the County Unclassified Highway, U2439

Wish the following recommendations/Observations be applied
Recommendations/Observations

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.

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.

Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom, to the maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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.

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

Building Control

Building Regulations application required.

Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 17.10.2017, advising us of the proposals for:

Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys, SY21 9DZ

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

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

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

Severn Trent

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:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

Environmental Health

As the proposed dwellings will be connected to the public foul mains drainage, I have no objection to the application.

PCC Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	Whilst the development falls within the definition of a Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, it does not exceed the applicable thresholds and criteria specified in the Regulations.
Ecological Information included with application?	No	No Ecological information has specifically been supplied with this particular application, but an Ecological Appraisal Report (Pearce Environment Ltd, September 2016) was supplied with application no. P/2016/0959 which was an application for outline planning permission for the erection of 5 no. dwellings at the same site. This ecological report, along

		<p>with available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service has been used to inform our observations.</p> <p>The Ecological Appraisal Report describes the site as an area of grazed semi-improved grassland, with newly planted scattered trees. The eastern boundary lies adjacent to newly built residential housing and consists of post and wire stock proof fence. The northern boundary is situated along an access road and consists of a species poor hedgerow, stabilised with stock-proof fence. The southern boundary also consists of a species poor hedgerow and adjoins a further pasture and a stand of small woodland.</p>
Protected Species & Habitats1	European Species	<p>There are records of European protected species within 1km of the proposed development, including Great Crested Newts (300m) and bats (900m), although the exact species of bats is not listed.</p> <p>Whilst there are historical records of Great Crested Newts within 300m, there is no standing water within the 250m zone of influence from the proposed development site. Given the lack of suitable habitat features, GCN and Amphibians were not considered further in the ecological appraisal.</p> <p>The ecological appraisal report concludes that there are no trees within the application area that have suitable features to support bats. However, it should be noted that the hedgerows present at site and the adjacent woodland may be used by bats for foraging and commuting, therefore these features should be retained and protected from damage during construction. Also, to ensure that these habitat features are retained as viable flight paths for bats and corridors for nocturnal animals, artificial lighting should be directed away from them.</p> <p>There are no historical records of Dormouse within the search area, and the report concludes that the habitat on site is not extensive enough to support a viable</p>

		<p>population of this species given lack of connectivity to surrounding woodland and past management. It appears from the application that the hedgerow would be retained, therefore should Dormice be present, it is unlikely that they would be affected.</p> <p>The ecological report also considers otters, and concludes that neither species would be affected by the proposed development.</p>
	<p>UK Species</p>	<p>There are records of UK protected species within 1km of the proposed development including badgers (480m), bird species including House Sparrow (500m), Curlew (900m), Starling (500m) and Dunnock (600m); and reptile and amphibian species including the Common Lizard (780m) and Palmate Newts (300m).</p> <p>The vegetation at the site provides suitable nesting habitat for birds. I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The hedgerows bounding two sides of the site could provide suitable habitat for reptile species, such as the common lizard. It appears from the submitted plans (Site Plan, Drawing No: 001) that these hedgerows would be retained. The development area is considered unsuitable for reptile species as the sward height is kept short by grazing livestock.</p> <p>The ecological report concludes that there are no suitable habitat features for amphibians within 500m of the proposed development.</p> <p>Whilst there are historical records of badgers within 500m of the proposed development, the ecological survey did not identify any evidence of badgers within the site area or in</p>

		the woodland directly adjacent.
	Section 7 Species & Habitats	<p>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.</p> <p>Further to the species already discussed, there are historical records of other Section 7 species within 1km of the proposed development site, including hedgehog (530m) and Hare (400m). It is not considered that these species would be affected by the proposed development, provided that features such as the hedgerows are retained as outlined in the application.</p> <p>There are hedgerows along two of the site boundaries. Hedgerow is a Section 7 habitat. It appears that these hedgerows would be retained. These hedgerows should be protected during construction in accordance with BS5837:2012.</p> <p>Enhancement measures should be incorporated into the development in order to ensure that there is no net loss of biodiversity. Measures could include additional native planting as recommended in the ecological report (Pearce Environmental Ltd, September 2016), and installation of bat and bird boxes at various locations around the site.</p>
	LBAP Species & Habitats	<input checked="" type="checkbox"/> See above comments.
Protected Sites	International Sites (within 1km)	None within the search area
	National Sites (within 1km)	None within the search area
	Local Sites (within 500m)	None within the search area
Recommendations		I recommend that any vegetation clearance

	<p>works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
<p>Further information required prior to determination of application</p>	
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>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.</i></p> <p>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.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan to include details of the bird nest and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016),</p>

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 and ENV3 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.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

- intentionally take or destroy the egg of any wild bird

- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales

	and the Council's Ecologist.
Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species

Natural Resources Wales

Thank you for consulting NRW regarding the above application which was received on the 17/10/17. We do not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

European Protected Species (EPS)

NRW has not considered EPS because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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

Public Response

Following the display of a site notice on the 27/10/2017 for the period of 21 days no public representations have been received at the time of writing this report.

Planning History

P/2016/0959 - Application for outline planning permission for the erection of 5 no. dwellings with some matters reserved – Conditional Consent

PPAE/2016/0083 – Erection of up to five houses of a generally similar scale and appearance to houses already built on the adjoining land – Planning Permission Needed

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 (2014)
TAN15 – Development and Flood Risk (2014)
TAN 18 - Transport (2007)
TAN 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP HP8- Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP10- Affordability Criteria
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 ENV 1 - Agricultural Land
UDP ENV 2 - Safeguarding the Landscape
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV 7 - Protected Species
UDP TR2 – Tourist Attractions and Development

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 but adjoins the settlement development limits for Castle Caereinion 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

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

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

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

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore PPW, it states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the

countryside should be avoided, unless special circumstances apply in compliance with provisions of TAN6.

By way of background to the application site it is noted that consent has already been granted in outline at committee for residential development on this application site. This consent therefore now comes in with a full application for the consent of four dwellings.

Castle Caereinion is classified as a small village within the Powys Unitary Development Plan. Castle Caereinion is served by a range of community services such as a village shop, primary school, community hall, public house and there is a bus service to Welshpool.

Therefore, on balance Officers consider that additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Appearance, Layout and Style

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.

The site layout details a cul-de-sac formation, consistent with the surrounding built form, the scale of the proposed dwellings are considered to be in keeping with those adjoining the site.

The proposal is for the development of two, three bedroom dormer bungalows and two, four bedroom houses; this is consistent with the properties already constructed on the existing cul-de-sac.

The proposed materials are facing brickwork for the walls, natural slate for the roof, UPVC windows and composite doors. It is considered that the proposed materials are consistent with the properties already constructed on the existing cul-de-sac.

It is considered that the application site is capable of accommodating five dwellings (one affordable) 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.

Highway Safety and Movement

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

The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding parking provision and access construction methods and materials.

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

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

The original plans indicated that Plot 1 may impact the right to light and privacy afforded to the dwelling known as 43 Swallows Meadow. The application has since been amended and provides a distance of 10 metres distance between Plot 1 and 43 Swallows Meadow as advised in the Residential Design Guide (2004). The proposal has been amended to remove the windows on the elevation nearest to 43 Swallows Meadow and therefore it is considered that the dwelling will not impact the privacy afforded to the dwelling.

It is considered that the remainder of the plots have been sited so as to not impact the right to light or privacy afforded to the existing dwellings.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Castle Caereinion is not identified as a settlement where Welsh Language is important to the social, cultural and community fabric of the area.

In the 2011 census the Castel Caereinion Ward reported that 15.1% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 17% of the population of Castel Caereinion spoke Welsh. The development of a four dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Loss of agricultural land

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 3b 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 3b 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.

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, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XXXX (drawing no's: P-101 Rev A, P-004 Rev A, SW-DL-400, 003 Rev E, 004 Rev B)
3. 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.
4. 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.
5. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom, to the maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
6. 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.
7. No storm water drainage from the site shall be allowed to discharge onto the county highway.

8. 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.
9. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
10. 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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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. 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.
9. 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.
10. 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.

Informative Notes

Building Control

Building Regulations application required.

Wales & West Utilities

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

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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