

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	P/2017/1284	<b>Grid Ref:</b>	297869.03 268525.66
<b>Community Council:</b>	Rhayader	<b>Valid Date:</b>	<b>Officer:</b> 06/11/2017 Karen Probert
<b>Applicant:</b>	Mr & Mrs Duggan, Cefn Y Crug, Crossgates, Llandrindod Wells, Powys, LD1 6RU.		
<b>Location:</b>	Site adj to Tir Gaia, Abbey Cwm Hir Road, Rhayader, Powys, LD6 5DZ.		
<b>Proposal:</b>	Outline: Erection of 9 residential dwellings, including 3 affordable dwellings and all associated works (all matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

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

### Site Location and Description

The site is located approximately 0.9 kilometres from the centre of Rhayader and directly adjoins the existing settlement development boundary for Rhayader which lies to the west as defined by the Unitary Development Plan (2010). The nearest residential property is located approximately 100 metres from the proposed site in a south westerly direction.

The site which is approximately 0.5 hectares is proposed on an existing parcel of land used as agricultural pasture land and is bounded to the north, east and west by existing agricultural land and to the south by the existing County Class III Highway, C1209.

Consent is sought for the outline erection of 9 residential dwellings (including three affordable dwellings) and associated works with all matters reserved.

### Consultee Response

#### Rhayader Town Council

There were no objections to this proposal and Councillors recommended approval.

#### PCC Highways

The County Council as Highway Authority for the County Class III Highway, C1209

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Prior to any works commencing, detailed engineering drawings for the widening of the C1209 and the footway along the Class III to join the existing footway to the South West of the site, and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing within the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

Within 5 days from 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.

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

The width of the access carriageway shall be not less than 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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.

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.

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.

The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

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

Prior to any works being commenced on the site, a scheme for the extension of the 30mph speed restriction, and schedule for implementation of the scheme shall be submitted and approved in writing by the Local Planning Authority.

Note: Due to the layout of the site, an Advanced Payment Code notice (APC) will be served should approval be granted.

#### PCC Building Control

Building regulations will be required.

#### Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 13.11.2017, advising us of the proposals for:

Land Adj Tir Gaia, Abbey Cwm Hir Road, RHAYADER, Powys, LD6 5NR

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.

#### Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### SEWERAGE

#### Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### SEWERAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

#### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

#### PCC Environmental Health

In view of the residential setting of the proposed development it is recommended that before any development commences a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases. In addition it is recommended that the

landscaping and construction period working hours and delivery times be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

Informatives.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1284 which concerns an outline application for erection of 9 residential dwellings inc 3 affordable dwellings and all associated works (all matters reserved) on a site adjacent to Tir Gaia, Abbey Cwm Hir Road, Rhayader.

I have reviewed the proposed plans submitted with the application as well as aerial images of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 158 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites are present within 500m of the proposed development.

A Preliminary ecological appraisal has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value. I have reviewed the Report produced by KG Ecology dated 31<sup>st</sup> October 2017, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 24<sup>th</sup> October 2017 to carry out an extended phase 1 habitat survey

The site for the proposed development consisted of two main habitats of arable grassland (rye-grass *Lolium* sp.) and hedgerow on the southwest (hedge referred to as hedgerow 2), southeast (hedge referred to as hedgerow 2) and hedgerow opposite the proposed development (hedge referred to as hedgerow 3) boundary. The hedgerow do contain hazel – a food source for hazel dormice. However the hedgerow offered limited suitability to support dormice due to the current management and limited connectivity to hedgerow and woodland management. The hedgerows were considered to provide nesting potential for bird species (nesting birds being a European Protected species).

The report refers to the proposed works resulting in removal and replanting of hedge 2 and the potential removal/translocation of hedge 3 and that hedge 1 will be retained.

The survey reports that removal or destruction of suitable nesting habitat must occur outside the bird breeding season (bird breeding season being February-August).

On the southwest boundary there is also a semi-mature oak tree located against the gateway. The oak tree being good condition with little wind damage to a limb.

The survey noted that approximately 250m was a pond. In considering the barriers of roadway and trunk roads as well as the lack of records within 1km the proposed works are considered to have negligible potential to impact great crested newts.

Recommended measures in section 9 of the preliminary ecological appraisal suggests that due to the low species diversity of hedgerow 2 and 3 instead of translocating the hedgerow - to remove the hedgerow and replace by a new native species rich hedgerow containing 6 woody species. Also recommended in section 9 of the report is new hedgerow planting on the northwest boundary to contain at least 6 woody species and under planted with 2 native climbers.

I consider the identified hedgerow planting measures in section 9 of the preliminary ecological appraisal to be acceptable and recommend the implementation of these measures secured through an appropriate worded condition.

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

The recommendations identified in section 9 of the Preliminary Ecological Appraisal produced by KG Ecology dated 30<sup>th</sup> October 2017 shall be adhered to implemented and maintained thereafter in full unless otherwise agreed in writing by the LPA.

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 Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Hedgerow Protection and Replacement 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 SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration 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 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

PCC Land Drainage:

*Received 15<sup>th</sup> January 2017*

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations:

Observation: Reference is made to surface water drainage under Item 5 – *Assessment of Flood Risk* on the Planning Application form, where it states surface water runoff is to be disposed through the use of *sustainable drainage systems (SuDs)*.

Observation: No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be *drained/disposed*.

Observation: The Lead Local Flood Authority would seek on site attenuation to the 1 in 100 year standard whilst limiting discharge to the existing 1 in 1 year Greenfield run-off for the connected impermeable areas.

Comment: The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m<sup>2</sup> floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Sustainable Drainage Comment:

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

## **Representations**



A public site notice was displayed on the 27<sup>th</sup> November 2017. At the time of writing this report no public representations have been made.

## **Planning History**

P/2008/1228 Outline: Erection of affordable needs dwelling with garage (SN 96 NE), Plot adjacent to Rowans, Llwyn Lane, Rhayader. Refused.

## **Principal Planning Constraints**

Minerals Safeguarding

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (9th Edition, 2016)

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

Technical Advice Note (TAN) 2 – Planning and affordable housing (2006)

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

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

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)

### Local Policies

Powys Unitary Development Plan 2010

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

SP5 – Housing Developments

SP6 – Development and Transport

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP5 – Residential Development

HP6 – Dwellings in the open countryside

DC1 – Access by disabled persons

DC3 – External Lighting

DC8 – Public Water Supply

DC10 – Mains sewage Treatment

DC13 – Surface Water Drainage

DC11 – Non- mains sewage treatment

Powys Residential Design Guide (2004)

## **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 lies outside of the settlement development boundary for Rhayader as identified in 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 a departure.

### Housing Land Supply

This departure application has been justified within a Planning Statement sent in support of the application received on the 6<sup>th</sup> November 2017 in response to the lack of 5 year land supply in Powys.

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 application. 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 states that housing land supply should be given considerable weight, however, 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 together with relevant national and local planning policies.

### Sustainability

Whilst considering an application of this nature it is important to evaluate whether the proposal can be considered to be sustainable development. This can relate to matters such as the provision of public transport, the proximity to larger settlements, access to education and employment opportunities and services.

The development site as proposed directly adjoins the existing settlement boundary for Rhayader. Land directly to the west falls within the Unitary Development Plan boundary and is an allocated housing site R85 HA2 with planning permission for 70 dwellings (P/2010/1383).

Rhayader is identified in the UDP as an Area Centre with a range of recreational, community, health care, economic and retail facilities.

In light of the range of services located within a relatively short distance of the development site, it is considered that there is an argument to support the principle of residential development at this location given its siting adjoining an existing settlement boundary and within close proximity of an Area Centre. Therefore, the proposed site is considered to be a sustainable location for residential development as proposed.

### Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B.

The Predictive Agricultural Land Classification (ALC) Map (Wales) has been assessed as part of this application and the site in question is shown as Category 3b – which is moderate quality agricultural land.

In light of the above, it is considered that the development of this land adjoining the existing settlement boundary is in accordance with Policy ENV1 of the UDP which states that the best and most versatile agricultural land is to be safeguarded wherever possible.

### Scale, Design and Appearance

UDP policy GP1 provides general development guidance and includes overarching principles which seek to safeguard the character and appearance of existing buildings and surrounding area whilst further ensuring that development proposals do not adversely affect the environment, highway safety or the amenities enjoyed by occupants of neighbouring residential properties.

The key issues would be whether the proposal would be of a scale, form, design and general character to reflect the overall character and appearance of the surrounding area.

The application has been submitted in outline with all matters reserved for future consideration. An indicative design has been submitted with the application and information received from the Agent to indicate that a total of 9 dwellings are proposed mainly detached with one pair of semi-detached properties, three of which would be available as affordable housing with the remaining being available for market housing.

In terms of scale the supporting information indicates that each dwelling will be two storey and either 3 or 4 bedroomed and approximately 126 to 200 square metres in size (the affordable dwellings would not be over 130 square metres). The proposal is for dwellings to be between 7 to 12 metres wide and 6 to 7 metres deep. Each dwelling would have an approximate eaves height of between 4.7 and 4.8 metres with an overall ridge height of between 7.7 metres and 8.0 metres.

The supporting information indicates that the scheme proposed will be sympathetic to existing and planned development in the area and the wider context of the site.

As the application has been submitted in outline, Officers consider that the site can accommodate 9 dwellings to complement the character and appearance of the dwellings in the surrounding area. It is considered that the proposed dwellings fundamentally comply with policies GP1 and GP3 of the Powys Unitary Development Plan 2010

### Amenity

Policy GP1 of the UDP states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals. Consideration is also to be given to the Powys Residential Design Guide (October 2004).

The indicative layout drawing provided indicates 7 detached dwellings and a pair of semi-detached dwellings. Each unit is shown to be accessed off a proposed cul de sac with associated parking spaces and amenity space provided for each dwelling.

The exact siting of the dwellings within the plot will be determined at the reserved matters stage and therefore it is considered that any issues relating to amenity will be determined at this stage.

Due to the distances involved and the potential positioning of the proposed dwellings, it is considered that the proposed scheme will not affect the amenities of existing residential properties within the locality.

The development is therefore considered to be appropriate and complies with policies 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 are to be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

This proposed site adjoins the existing settlement boundary for Rhayader and therefore it is considered that the proposed site is a natural extension of the settlement and would not have an unacceptable significant adverse visual impact upon the character or appearance of the surrounding area.

The application has been submitted in outline with all matters reserved, therefore consideration to the landscaping of the site will be considered at this stage. The site has an existing hedge on the southern boundary which could be translocated subject to proposed access arrangements. Existing hedgerows exist along the eastern and western boundaries which can be retained to provide a natural buffer between the development site and the adjoining allocated housing site to the west and the agricultural land to the east.

Land directly adjoining the proposed site to the west has a complex planning history with approval granted in December 2007 for the erection of 70 dwellings with construction of associated access, service roads and services (PR87514). A further application was submitted under P/2010/1383 to vary condition 1 of PR875/14 to extend the time limit for submission of reserved matters and commencement of development by three years. This permission valid until March 2020.

Directly south of the proposed site a new allocated site P52 HA2 (land off East Street) is proposed under the Local Development Plan (2011-2026) for 16 dwellings.

Therefore having assessed the proposed site, it is being considered in line with an extant planning permission to the west and also a new allocated housing site P52 HA2 to the south as proposed within the Local Development Plan (2011-2026).

Land rises gradually in a north westerly direction from the existing highway with the proposed dwellings located at the far southern boundary of the existing field. The proposal to locate the dwellings on the lower slope of the field will reduce the impact of the scheme upon the landscape and will reduce the visual impact from a southerly direction.

It is considered that whilst the site will be visible from a south easterly direction and also from the existing highway, the proposal will not result in a visual change that will differ significantly from the existing urban grain of the settlement particularly as the adjoining land to the west has outline planning approval for 70 dwellings and land to the south is allocated within the emerging Local Development Plan.

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

### Highways Safety and Movement

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

The County Highway Authority has been consulted on the proposal and do not have any objections subject to conditions.

As this is an outline planning application with all matters reserved, the highway conditions as provided by the Highway Authority will not be included within any outline approval and will be dealt with at reserved matters stage.

In light of the above, it is considered that the proposal fundamentally complies with Policy GP4 of the Powys Unitary Development Plan (2010).

### Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to enhance and preserve protected species and their habitats.

The County Ecologist has been consulted in respect of this application and has confirmed that there are no objections subject to the inclusion of appropriately worded conditions.

In light of the above it is considered that the proposal is in accordance with policies ENV2, ENV3 and ENV7 of the UDP.

### Environmental Health

Environmental Health has been consulted as part of this application and has stated that in view of the residential setting it is recommended that a construction method statement is submitted together with restrictions on the landscaping and construction period working hours and appropriately worded conditions and informatives have been provided to include with any subsequent approval.

In light of the comments received, it is considered that the proposed development fundamentally complies with Policy GP1 of the Unitary Development Plan (2010) subject to conditions.

### 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. Whilst Rhayader has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census, the Rhayader ward is indicated as having 8.45% of the population speaking, reading and writing Welsh. The developments of 9 dwellings in this location are considered not to have a detrimental impact on the cultural or linguistic vitality of the area.

## **Other 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

In light of the above and having carefully considered the proposal, whilst the submission is a departure from the development plan, the Council's current lack of housing land supply carries considerable 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. 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. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
5. The recommendations identified in section 9 of the Preliminary Ecological Appraisal produced by KG Ecology dated 30th October 2017 shall be adhered to implemented and maintained thereafter.
6. Prior to commencement of development a Hedgerow Protection and Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.



7. Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

8. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

9. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

10. Before any development commences a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

12. 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 3 housing units.

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.

13. The affordable dwellings 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.

## **Reasons**

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
5. 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 Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
7. 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 Section 6 of the Environment (Wales) Act 2016.
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 Part 1 Section 6 of the Environment (Wales) Act 2016.
9. To comply with Powys County Councils UDP Policy GP1 in relation to the control of development which has the potential to have adverse effects on the amenity of neighbouring properties.
10. To comply with Powys County Councils UDP Policy GP1 in relation to the control of development which has the potential to have adverse effects on the amenity of neighbouring properties.
11. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
12. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010).
13. In order to control further development which has the potential to have adverse

effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

## **Informative Notes**

### Building Regulations

Please be aware that the proposed scheme will require Building Regulations approval.

### Biodiversity

The applicant's attention is drawn to the comments of the County Ecologist which are attached for information.

### Environmental Health

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

### Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public

sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

---

Case Officer: Karen Probert- Planning Officer  
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk