

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.

The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

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.

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

Prior to the occupation of the 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.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

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.

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. 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 Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

PCC Building Control

No comments received at the time of writing this report.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 20.11.2017, advising us of the proposals for:

Pant-y-Gamalt, Staylitttle, Llanbrynmair, Powys, SY19 7BU

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 Water

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.

PCC Environmental Health

22nd Novemeber 2017 -

Thank you for your consultation in respect of this application. I note that the applicant has indicated that they will be connecting to a septic tank, however no details of the tank or drainage field are provided.

It will be necessary for the applicant to provide full details of the septic tank showing that it is of sufficient capacity for the dwelling and is suitable located. In order to show that the ground is suitable for a soakaway the applicant will need to provide a porosity test in accordance with document H2 of the Building Regulations and will also need to show a soakaway of a suitable size.

Additional comments received 12th January 2018 –

Thank you for the additional detail. I visited the site yesterday; unfortunately I could not find evidence of the percolation tests.

What I did find was the site that was water logged and with poor draining soil, see the pictures attached above. Whilst the site had been cleared in places it is apparent that it would have otherwise been covered in thick reeds, as the adjacent land is. Such plants do prefer waterlogged soils.

There was standing water on the site and heavy clay was visible. A drainage ditch was also cut through the site probably as a result of poor draining soil.

I cannot accept the applicants position that the site would be suitable for septic tank drainage and would therefore object to the application. I would be happy to consider any alternative suggestions.

Additional comments received 15th January 2018 –

Thank you for the amended details, I assume that the applicant is now proposing a private treatment plant instead of a septic tank (although I could not see this in the details).

If this is the case then I would have no objection to the application subject to the necessary discharge consent being obtained from NRW.

PCC Built Heritage

Thank you for consulting me on the above application.

I can confirm that the site is not directly adjacent to any listed buildings however there are a number of Scheduled Ancient Monuments to the west of the B4518.

The application site lies within the Staylitttle sub area of the Clywedog Valley Historic Landscape which has a complex historic settlement pattern of dispersed discrete clusters of houses.

The dispersed settlement at Staylitttle (Penffordd-Lâs) was in existence by the later 17th to early 18th century, probably due to its position on the edge of unenclosed common land roughly midway between Llanidloes, Machynlleth and Llanbrynmair. A number of small scattered quarries probably represent sources of building stone during the post-medieval

period. In the early 18th-century the farm at Esgair-goch became an important focus of Quakerism in Montgomeryshire, with a Meeting House, to which a burial ground, the Quakers' Garden, was attached. Though not itself a mining village, houses here and elsewhere in the area probably provided accommodation for miners during the 19th century working at the Dylife and Dyfngwm mines to the west and north-west. It also became an a significant rural centre of nonconformist worship for the local farming and mining communities, with both a Methodist chapel, formerly at Rock Villa, established in 1806, and rebuilt in 1875, and a Baptist Chapel first built in 1805 and enlarged in 1859. A new school was built which opened in the 1874. Rural depopulation resulting from the collapse of the mining industry and farm amalgamations during the 20th century led to the abandonment of farms and smaller cottages and chapels, some of which have been renovated as second homes.

(Source: CPAT Historic Landscape Characterisation).

The site is not close to or readily visible from any listed buildings although the site lies within the designated Historic Landscape. The site lies outside the small cluster of dwellings at Staylitttle which contain 6 entries on the Historic Environment Record depicting its historical past with a Bronze Age Barrow and more recent activity with the milestone, smithy, Methodist chapel and Staylitttle School in addition to a Quaker cemetery.

The development within this part of the Registered Historic Landscape is dispersed and as such could easily be damaged by inappropriate development. However in this instance the proposed site is closely sited to the cluster of properties at Staylitttle and sited adjacent to an existing building and relatively well screened.

I can confirm that I would have no objection to the proposal on built heritage grounds. However given its location within a Registered Historic Landscape I would hope that the reserved matters application would reflect its sensitive location in terms of design and materials.

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1317 which concerns an outline application for erection of a dwelling, garage and associated works (some matters reserved) at Pantygamallt, Staylitttle, Llanbrynmair, Powys.

I have reviewed the proposed plans submitted as well as aerial images and photographs of the site and surrounding habitats - local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified 33 record of protected and priority species within 1km of the proposed development, no records were for the site itself.

There are no statutory or non-statutory designated sites are present within 1km of the proposed development.

Reviewing onsite photographs it appears that the areas impacted by the proposed developments have already been cleared of all vegetation and trees have been felled.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:
'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows 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'. Hedgerows are also 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. Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

As such I recommend that a Tree Replacement Plan is secured through an appropriately worded condition, where it is necessary to remove any trees will need to identify appropriate compensation planting for the loss of these features to maintain the important foraging or commuting features – details of the location and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the trees present in the local area.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscape 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. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements. In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

Prior to commencement of development a Tree Replacement Plan shall be submitted to the Local Planning Authority and implemented in full 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 the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval 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, 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.

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.

Representations

Following the display of a site notice on 23/11/2017, there have been no public representations received.

Planning History

None

Principal Planning Constraints

Historic Landscapes Register
Clywedog Article 4

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 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) 6 – Planning for Sustainable Rural Communities (2010)
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)
Technical Advice Note (TAN) 23 - Economic Development (2014)
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)
SP5 – Housing Developments
SP6 – Development and Transport
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
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
HP8 - Affordable Housing adjoining Settlements with Development Boundaries
HP9 – Affordable Housing in Rural Settlements
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development

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.

The application is for outline consent with all matters reserved except access. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form separate applications for consideration at a later date.

Principle of Development

The application site lies outside of any development boundaries 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

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.

Housing supply is a material consideration that should be given considerable weight in the determination of this application and balanced against compliance with national planning policies as set out within Section 6.2 of TAN 1:

'The housing land supply figure 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 the 2.2 years of Powys housing supply is a material consideration which should be given considerable weight in determining applications for residential development, consideration is also given the location of the development in a designated rural settlement

and that the proposal is for a single unit of accommodation to serve an identified local need for housing.

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 rural settlement of Staylittle has a local shop and a Chapel which are within walking distance of the proposed site. The development site is approximately 7.6 miles away from Llanidloes which is identified in the UDP as an Area Centre and is served by a wide range of community services and facilities including a hospital, secondary school, primary school, leisure centre, library, numerous shops and public houses. The development site is approximately 7.9 miles from Llanbrynmair which is defined in the UDP as a large village.

In light of the services within Staylittle and a range of services located within travelling distance of the development site, officers consider that on balance, the proposed site is a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Staylittle is considered to be made up of a centrally located cluster of dwelling and buildings (shop & recreational facility) that is then surrounded by further more sporadic dwelling. The proposed dwelling has been located adjacent to an existing dwelling which is considered to fit in with the aforementioned character of the village.

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 a dwelling 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.

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development. The proposed development seeks to utilise an existing access onto the C2072 County Highway. The Local Highway Authority has been consulted on the proposed development, the Highway Authority has no objections to the proposed development subject to the inclusion of a number of conditions regarding visibility, parking provision, drainage and surfacing.

In light of the above and subject to the recommended conditions, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Amenity

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting, orientation and elevation, and it is not believed that the proposal would unacceptably impact on residential amenity.

The closest neighbouring property is Pant-y-Gamallt located approximately 23 metres to the west of the application site. The siting of the proposed dwelling is unlikely to have an impact in terms of overlooking and privacy to the nearest neighbouring dwelling. Taking this into account, it is considered that the proposal would not unacceptably affect the amenities enjoyed by occupiers of neighbouring properties or the proposed dwelling, in accordance with UDP Policy GP1.

In terms of the proposed dwelling, the indicative layout demonstrates adequate outdoor amenity space and subject to details on appearance and layout which would be considered at reserved matters stage, it is considered that adequate provision could be made for amenity in terms of privacy as set out within the Powys Residential Design Guide and UDP Policy GP1.

Biodiversity

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).

The Ecologist reviewed the proposed plans submitted as well as aerial images and photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified 33 records of protected and priority species within 1km of the proposed development, although no records were for the site itself.

The Ecologist confirmed there are no statutory or non-statutory designated sites present within 1km of the proposed development.

The Ecologist recommended the inclusion of a number of conditions regarding a tree Replacement Plan, Lighting Design Scheme and landscaping. In terms of the landscaping plan it is noted that this is a reserved matter and, as such, these details will be considered at a later stage. It is not considered necessary to attach the condition regarding a tree replacement plan. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development

fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Built Heritage

The Built Heritage officer has been consulted regarding the application and noted that the site is not directly adjacent to any listed buildings, however there are a number of Scheduled Ancient Monuments to the west of the B4518.

The application site lies within the Staylitttle sub area of the Clywedog Valley Historic Landscape which has a complex historic settlement pattern of dispersed discrete clusters of houses.

The officer noted the site is not close to or readily visible from any listed buildings although the site lies within the designated Historic Landscape. The site lies outside the small cluster of dwellings at Staylitttle which contain 6 entries on the Historic Environment Record depicting its historical past with a Bronze Age Barrow and more recent activity with the milestone, smithy, Methodist chapel and Staylitttle School in addition to a Quaker cemetery.

The development within this part of the Registered Historic Landscape is dispersed and as such could easily be damaged by inappropriate development. However, in this instance the proposed site is closely sited to the cluster of properties at Staylitttle and sited adjacent to an existing building and relatively well screened.

The Built Heritage officer therefore confirmed that she would have no objection to the proposal on Built heritage grounds.

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

Foul Drainage

The Environmental Health officer has been consulted regarding the application and noted that the proposed site is not suitable for septic tank drainage. However the agent sent in amended plans showing a private treatment plant in order to allow the site to discharge into an existing watercourse near to the site.

The Environmental Health officer was consulted regarding the amended plans and has no objection to the amended drainage proposal. Natural Resources Wales were also consulted regarding the application, at present no comments have been received from NRW, however Members will be updated regarding any comments received from NRW prior to the meeting.

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. Staylitttle falls under the ward of Trefeglwys where the Welsh language is identified as being important.

In the 2011 census the Trefeglwys Ward reported that 29% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 35% of the population of Trefeglwys spoke Welsh. A Welsh Language Assessment has been undertaken and the figures above illustrate that the area of Trefeglwys has suffered from a decline of Welsh speakers in the village. With every rural area, it suffers from an ageing population. The proposal is for one dwelling and therefore the development is negligible in comparison to the overall area of Trefeglwys and which is considered proportionate to the settlement of Staylitttle, given that limited housing has been provided within the settlement for over 5 years.

In relation to economic development, it is considered that the potential construction of the dwelling would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

The scale and type of development is considered not to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore fully complies with National and Local Policies.

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

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.

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.

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 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 appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX in so far as the extent of the application site is drawn.
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.
6. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. 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.
8. Prior to from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. Prior to the occupation of the 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.

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

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

12. 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.

13. Upon formation of the visibility splays, 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.

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

15. Prior to the first installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

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 ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

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.

9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. 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), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Case Officer: Luke Jones- Planning Officer
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk