

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1224	Grid Ref:	311796.7 228228.31
Community Council:	Llangors	Valid Date:	Officer: 20/10/2017 Thomas Goodman
Applicant:	Mr & Mrs R & J Gunney, Arrah Lodge, Llanfihangel Talyllyn, Llangorse, Brecon, LD3 7TP		
Location:	Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP		
Proposal:	Outline application (with all matters reserved) for erection of a dwelling, detached garage and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The Lead Professional has called the application in to be determined at Committee.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010). To the north of the application site runs the C0096 which provides access to the development site. To the east and south of the application site is agricultural land and a dismantled railway line. Located to the west is the existing residential dwelling known as Arrah Lodge.

Consent is sought in for outline consent for the erection of an open market dwelling and detached garage. Matters relating to access, appearance, landscaping, layout and scale are all reserved for future consideration.

Consultee Response

Llangors CC

Thank you for the correspondence regarding the above application.

Llangors Community Council have visited the site and held a planning meeting where the matter was discussed

It is noted that the application makes reference to a previous planning application granted for access to the site. Whilst visiting the site the applicants clarified that the previous consent was for the new access and a detached garage and whilst the access had commenced development it had not been completed and trees on either

side of the entrance are to be removed to obtain the specified splay. It was further explained that should this current application be granted that the new access would form a joint access for the existing dwelling and the proposed dwelling and that the detached garage already granted on the previous application would not be built. It is therefore noted that the granted application for access does not mean that it would meet the highway requirements for an additional dwelling.

It is noted that the site is well outside the PCC UDP development boundary and development therefore could only be considered under policy H6 Dwellings in open countryside. The application does not give any evidence of compliance with this policy.

Under PCC LDP (not yet formally adopted) Llanfihangel Talylyn has no development boundary and therefore Policy H1 applies. Policy indicates that in small villages development for market housing must only take place on infill sites or on sites forming minor logical extensions to the village with a contribution made to affordable housing. This application does not meet any of these criteria.

Assessing the LDP policy on applications in rural settlement and open countryside, new dwellings should only be considered for affordable homes or rural enterprise worker dwellings. Again, the application proposes market housing, with no contribution to affordable housing so it does not meet the criteria of this policy.

Whilst there is no objection to the principle of the application at this specific site, it is in breach of policy and policy needs to be upheld. Based on these facts, the Community Council do not support the application.

Should your authority be minded to permit the application, it is requested that the proposed dwelling should be the subject of an S106 agreement and always be tied to the existing dwelling, Arrah Lodge.

I trust this information will be considered. Should you wish to discuss the matter please do not hesitate to contact me.

Highways Dept south

Consultation response received 10/11/17:

The County Council as Highway Authority for the County Class III Highway, C0096

Wish the following recommendations/Observations be applied
Recommendations/Observations

Based on the level of information submitted to date this application should be refused.

Reasons for Refusal

Whilst it is noted that this application is made in outline, with all matters reserved, appropriate information should be submitted to demonstrate that an access providing visibility splays in accordance with the prevailing speeds along the adjoining C0096 county highway is

achievable. The county highway is derestricted at this point and in the absence of any speed data, I have no reason to believe that 85th percentile speeds would be below 50mph, which would require an access visibility in the region of 2.4m x 134m. Whilst the part constructed access detailed on the current drawing, which formed part of the consented application B03/0310, did provide a minor improvement over the existing access arrangements, it certainly did not provide sufficient visibility for a new stand alone dwelling and it is questionable if sufficient improvements can be provided due to the positioning of the host dwelling.

It is also not clear how the provision of a new dwelling would impact upon the previously mentioned consented application.

Consultation response received 14/12/17:

I have viewed the information submitted but unfortunately the visibility splays detailed on the drawings are plotted incorrectly; visibility is measured to the edge of the adjoining carriageway not to the opposite side of the road as shown (especially where it passes through hedgerows). In reality therefore the maximum visibility achievable to the west would be closer to just 40m instead of the circa 134m that would be required at this location – I trust you will understand my reasons for not being able to support such a shortfall in standards.

In addition the proposed control of parking to the front of dwelling (west) appears to be on land outside of the limits of ownership and I understand that consent already exists for the improved access to the east of the dwelling.

As things stand I cannot withdraw my original recommendation of refusal but if you feel it would be beneficial I will happily attend site with you and the surveyor to discuss matters further.

Consultation response received: 12/01/2018:

I have revisited this site with Dale following removal of the boundary obstructions which were previously hindering our ability to take accurate measurements of the available access visibility. I have also had opportunity to consider the additional site access drawing (1357-0037/Rev G) recently submitted by the agent showing the alternative access position, sited further east, which increases the distance from the host dwelling.

Whilst visibility from the new access proposed will still be impaired to the west by the host dwelling, the area of obstruction in this direction is significantly reduced when compared to the current situation. Access visibility from the original access is restricted to just 12m in a westerly direction, completely obstructed thereafter by the position of the host dwelling. Access visibility from the alternative access position previously consented, whilst improved, provides just 47m, before again being severely obstructed thereafter by the host dwelling. The current proposal will provide overall visibility of 140 metres and although this will be impaired at 70m by the host dwelling, visibility will be maintained over significant areas of the nearside lane for the entire 140m length, which greatly reduces the risk to all highway users.

In light of the above, the Highway Authority is now satisfied that the revised access arrangements offer a significant improvement over the original and the previously consented

access arrangements for the site and therefore removes its previous recommendation of refusal.

Suitable highway conditions covering the access will be offered at Reserved Matters stage.

Building Control

Just to let you know this development will require a building regulation application to be submitted.

Wales & West Utilities

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.

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.

Sewerage

Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to drawing reference: 1357 -001, it appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss our concerns and consider possible solutions. Alternatively we recommend the proposed development is repositioned to accommodate for the required protection zone. We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

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. 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.

Water supply

Dwr Cymru Welsh Water has no objection to the proposed development. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Please ensure easement of 8m is maintained, 4m either side of the centre of the main.

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

Please quote our reference number in all communications and correspondence.

Environmental Health

Having taken a look at where the proposed development will be sited and given consideration to noise creation at the nearest neighbouring property, I would firstly 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.

Secondly I would require further information regards the intended foul drainage system for the proposed development.

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. If a drainage field is being used please see attached a percolation test form.

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>

Consultation response received 27/11/17:

As the applicant now proposes to connect to mains sewerage, Environmental health would have no objections to this.

PCC Ecologist

The site area is understood to be 829m² and includes up to 1 dwelling. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The application site is located within an overgrown field containing mature trees and is bounded by hedgerow along the road boundary and mature trees along the boundary with the disused railway line. A new access has already been created under an existing planning approval.

Within 1km of the site there are historic records of unknown bat species (within 945m) and aerial imagery indicates that construction will require the loss of mature trees which could have potential as bat roosts.

It appears that a new access has been created under an existing planning approval but confirmation is required if additional hedgerow would be lost for an increased visibility splay for the proposed development. Hedgerows can provide foraging/commuting habitat for bat species and therefore I recommend that vegetation removal is kept to a minimum.

Otter have been recorded within 957m but no significant impact on otter is expected.

A Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

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

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

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

In addition to the species identified above, within 1km of the site there are historic records of Badger (within 59m) and various nesting birds.

The boundary hedgerows and trees offer suitable habitat for a range of nesting bird species. I therefore recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

There is a slow worm record within 133m and it's considered that vegetation to be cleared on site could provide suitable shelter for common reptile species.

The recommended Preliminary Ecological Appraisal should therefore consider the nationally protected species mentioned above.

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

In addition to the species identified above, within 1km of the site there are historic records of Polecat (within 471m) and Hedgehog (within 300m) and these species should be included in the recommended Preliminary Ecological Appraisal.

Hedgerows are a Section 7 Priority Habitat and hedgerows border the site. It appears that a new access has been created under an existing planning approval but confirmation is required if additional hedgerow would be lost for an increased visibility splay.

The hedgerow located along the boundary with the road and the mature trees along the railway line should be retained and protected during the works. A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.

As a biodiversity enhancement, I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development.

The hedgerow located along the road boundary and the mature tree boundary along the railway line should be retained and protected during the works. A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.

As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development.

Vegetation clearance works should be timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

A Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

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

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

It appears that a new access has been created under an existing planning approval but confirmation is required if additional hedgerow would be lost for an increased visibility splay. Hedgerows can provide foraging/commuting habitat for bat species and therefore I recommend that vegetation removal is kept to a minimum.

Consultation response received 23/01/2018:

Thanks for the photos, they have helped demonstrate the habitat in the footprint of the scheme which I couldn't judge from aerial photos. As more vegetation has been removed in the new year, there will be low potential for bat roost trees or sensitive habitats, therefore a Preliminary Ecological survey will not be required. I have still included the tree and hedgerow protection condition for native species within the remaining existing boundary which lie within close proximity to the construction of the septic tank, dwelling and garage .

I would like to specify the following conditions:

1. Prior to commencement of development, a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long term retention.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 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.

2. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the scheme details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 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.

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

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Cllr Emily Durrant

No response received at the time of writing this report.

Representations

Following the display of a site notice, no public representations have been received at the time of writing this report.

Planning History

B/04/0349 – Change of use part of field, from agricultural to private garden. Conditional Consent - 08/11/04

B/03/0310 – Erection of single storey extension and garage. Conditional Consent 12/11/03

B168 – Proposed erection of a bungalow – Refuse – 23/01/75

B4198 – Proposed change of use of dwelling to guest house/restaurant – Conditional Consent – 15/09/86

Principal Planning Constraints

Historic Landscapes Register Special
Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (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) 15 - Development and Flood Risk (2004)

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

Technical Advice Note (TAN) 23 – Economic Development (2014)

Technical Advice Note (TAN) 24 – The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability
SP3 - Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 - Highway and Parking Requirements
HP1 – Shire Housing Allocations
HP3 – Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity & Natural Habitats
ENV 4 - Internationally Important Sites
ENV 5 - Nationally Important Sites
ENV 7 - Protected Species
ENV 8 - Tree Preservation Orders
ENV 14 - Listed Buildings
ENV 17 - Ancient Monuments & Archaeological Sites
ENV 18 - Development Proposals Affecting Archaeological Sites
DC10 – Mains Sewage Treatment
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (October 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

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

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

When considering dwellings in the open countryside policy HP6 is carefully considered. The policy states that unless the proposal is for a development in compliance with the affordable housing policies of this plan, proposals for dwellings in the open countryside will only be

permitted for agricultural or forestry uses or in association with a suitable rural enterprise such dwellings will only be acceptable where they meet the following criteria:

- It can be clearly demonstrated that there is a functional need for the development and that the proposed enterprise would be financially viable.
- The dwelling should utilise an existing building in accordance with the conversion policy (GP6) or if none is available, any new dwelling shall be located adjacent to existing buildings wherever possible.

In this instance the application does not relate to a forestry enterprise. The dwelling proposed is neither related to agriculture and therefore does not comply with policy HP6 of the Powys UDP. The proposed dwelling has been submitted as an open market dwelling within the open countryside.

The proposed development is not located within a settlement, nor does it adjoin a settlement with a development boundary, it is also not located within a rural settlement as defined by the Powys UDP. The nearest settlement is Llanfihangel Tal-y-llyn which is located approximately 320 metres to the north west. The proposed development therefore does not comply with policy HP7, HP8 or HP9 of the Powys UDP (2010).

The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

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

Paragraph 9.2.3 of Planning Policy Wales states that:

‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.’

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

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

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Sustainability

In considering the proposed development, Members are asked to consider whether the provision of a single dwelling in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a range of matters including education, shops and services.

The proposed development is located approximately 320 metres to the south east of the settlement of Llanfihangel Tal-y-llyn. The settlement of Llanfihangel Tal-y-llyn is defined as a large village within the Powys Unitary Development Plan (2010). The village has a pub, village hall and a church.

Given the location of this development Officers consider the sustainability of the dwelling to be questionable.

Highway Safety

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

Access and Layout is reserved for future consideration, however, Powys County Council's Highway Authority has been consulted on this application. The Highway Officer initially stated that the application should be refused, it was noted that the application is made in outline, however, appropriate information should be submitted to demonstrate that an access providing visibility splays in accordance with the prevailing speeds along the C0096 is achievable. It is noted that the highway at this point is derestricted and would require appropriate visibility splays. Concerns were raised regarding the existing access arrangements which do not provide sufficient visibility splays. It is noted that there has been consent granted under the application B03/0310 to provide minor improvements to the existing access arrangements, however, these would not be sufficient for an additional dwelling in this location.

Additional information has been submitted to demonstrate an improved access and the Highway Officer has been re-consulted. The Highway Officer has stated that the visibility splays detailed on the drawings are plotted incorrectly. The Officer has therefore stated that the maximum visibility achievable to the west would be closer to just 40m instead of the required 134m. Therefore the refusal recommended by the Highway Officer remains.

The Highway Officer has been re-consulted following the removal of boundary obstructions (trees and hedgerows). The removal of these obstructions previously hindered the ability to take accurate measurements of the available access visibility along the highway. Additional site access drawings have been submitted which have detailed an alternative access position which increases the distance from the host dwelling. The Highway Officer has stated that the new access will still have impaired visibility to the west, however, the area of obstruction in this direction is significantly reduced when compared to the current situation. Current access visibility is restricted to just 12m in a westerly direction, whilst access visibility from the alternative access position previously consented, whilst improved, provides just 47m. The amended proposed access will provide visibility of 140m, however, this will be impaired at 70m. Visibility splays will be maintained over significant areas of the nearside lane for the entire 140m length.

Although the visibility will be impaired at 70m towards the settlement of Llanfihangel Tal-y-llyn it is considered that the proposed new access will provide a significant improvement to the existing access arrangements to the development site and the host dwelling.

The Highway Officer is therefore content with the development and will provide appropriately worded conditions at the reserved matters stage.

Appearance, Layout and Scale

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

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist has noted that no ecological information has been submitted with this application. The Ecologist has noted that the application site is located within an overgrown field containing mature trees and is bounded by a hedgerow along the road boundary. There are historic records of unknown bat species within 1km of the application site and aerial imagery indicates that the construction may require the loss of mature trees which could have potential as bat roosts.

It is noted that hedgerow will be lost should a new access be approved as well as removal to provide visibility splays. The Ecologist has stated that hedgerows can provide foraging/commuting habitats for bat species. It is therefore requested that a Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service will need to be undertaken to identify the habitats present on and adjacent to the site and the potential to support protected species. Further surveys may be required should any species be found or have a potential to be present and would be required to be carried out prior to determination.

Additional photographs of the development site were provided to the Ecologist. The Ecologist confirmed that the photographs have demonstrated the habitat within the footprint of the application site. As vegetation within the site boundary and along the boundary with the highway has been removed, it is considered that there will be a low potential for bat roost trees or sensitive habitats. Therefore the preliminary ecological survey initially requested is no longer necessary. The Ecologist has therefore recommended that appropriately worded

conditions are granted to any approval in order to ensure that the development does not have a detrimental impact upon protected species or their habitats.

The proposed development therefore complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) subject to the inclusion of appropriately worded conditions.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development in terms of foul drainage and noise. The Officer initially required additional information as well as porosity tests to consider whether the method of foul drainage was appropriate. Following clarification it has been confirmed that the proposed development will connect to the mains. The Environmental Health Officer has therefore confirmed that they have no further comments to make and are satisfied with the means of foul drainage.

In relation to noise impact associated with the development of this proposal, the Officer has required an appropriately worded condition upon the granting of consent. The condition will ensure that construction and landscaping is carried out during appropriate hours of the day to ensure that the neighbouring property is not detrimentally impacted in terms of noise.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

The proposed development is a departure from the Powys Unitary Development Plan (2010) and does not comply with housing policies HP6, HP7, HP8 and HP9 of the Powys UDP (2010). The recommendation is therefore one of refusal on the following grounds:

1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).