

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/1154	Grid Ref:	318705.82 320651.4
Community Council:	Llanfechain	Valid Date:	Officer: 20/12/2016 Tamsin Law
Applicant:	Mrs Humphreys, c/o agent.		
Location:	Land opposite Wesley Terrace, Ystryd y Ceunant, Llanfechain, Powys, SY22 6UR.		
Proposal:	Residential development for up to 6 dwellings including formation of vehicular access and associated works (outline)		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

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

Site Location and Description

The site is indicated to cover an area of 0.6 hectares and is located to the north of Llanfechain. The site is directly adjoining the development boundary of Llanfechain, as indicated on Inset Map M155 of the Powys UDP.

The site is currently open agricultural grassland and is bound to the north east and north west by existing agricultural land, the south west by the adjoining highway and the south east by existing residential dwellings. The proposed site is to be accessed via the county unclassified highway U2041.

Consent is sought in outline with all matters reserved, apart from access, for future consideration.

Consultee Response

Llanfechain CC

Llanfechain Community Council would like to point out that when this site was put forward as a possible candidate site for the LDP, the Community Council recommendations were:

- a) Development here should take into account its proximity to the village conservation area and be appropriately sympathetic.
- b) The area is subject to occasional flooding resulting from surface run off.
- c) The road is particularly narrow at the point of entry to this area.
- d) Any building here will increase the traffic through the village.

It was also noted that extracts from the Sites Status Report for December 2013 were:
“The highways and flooding issues highlighted that deem this site unsuitable are consistent with the Inspectors conclusions when looking at this site previously. Therefore it is recommended we go with the Inspectors previous decision to reject the site.

Proportion of the site including access is in Floodzone - Red. Highways unsuitable class III road serving site -Red. Minerals – Red”

The area is known to have been flooded in the past (TAN 15 Development Advice Map), as a result of overflowing culverts, and can still be subject to occasional flooding.

Proposed plans to widen the road would not alleviate the problem of the narrow point of entry. Any new development could cause an increase in traffic through the village, which is already hazardous to pedestrians due to the narrow road and lack of pavements.

If any development were to take place, it should take into account it's proximity to the conservation area by conditional designs that reflect this by using suitable materials that are environmentally friendly and are of a sustainable nature.

Highways Dept north

1st Response:

Whilst we would welcome improvements on this part of the highway network, as we have historically received complaints from neighbouring properties receiving damage from Agricultural traffic and I understand there is a HGV Operating Centre just further up the highway from this location. The current highway is virtually on a 90 degree bend.

The current highway access that has been submitted does not adhere to the requirements for a right turning vehicle and the access would need to be moved further to the southern boundary to achieve the required visibility.

Whilst I appreciate the village has a Primary School and Local facilities the site is divorced from good pedestrian links and there appears to be no scope to address this concern due to the constraints of having no highway verge to implement any improvements.

In its current format the Highway Authority cannot support the application and recommend refusal in the interests of highway safety.

2nd Response:

The proposal is in an unsustainable location and therefore should be refused.

Reasons for Refusal

The local road network is typified by narrow carriageways with no footways and little or no verges. If the homes are offered to the open market then (as pointed out in Officer comments Feb 2017) there is little scope for providing improvements for pedestrians along these narrow, twisting local streets to mitigate against the increase in pedestrian and vehicle traffic.

There is potential to create an additional pedestrian access from the street to the south, adjacent to Rose Cottage, by utilising the existing field access. Again, the highway at this point is provided with narrow verges.

The point of access is included in the application site and the works include providing additional highway on the site side and adjustment to kerb line on the opposite side of the road. These proposals still do not afford adequate visibility from and to a vehicle waiting to turn right into the site.

It is therefore recommend that the application be refused as the additional traffic that would be generated by the proposal would exacerbate the current situation to the detriment of highway safety.

3rd Response:

Prior to any works being commenced on site full engineering drawings for the alteration of the county highway, as detailed on the amended drawing received on the 31st October 2017, shall be submitted and approved in writing by the local planning authority

HC1 Prior to the occupation of the dwelling any entrance gates 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.

HC2 The gradient of the access road 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.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 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 areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Within 10 working days 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC9 Prior to the occupation of each 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. The parking areas shall be retained for their designated use in perpetuity.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5 metres and shall be maintained at this width for as long as the development remains in existence.

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

HC17 Prior to the occupation of the development a 2.0 metre wide verge shall be provided on the each side of the site access and along the full (new) frontage of the site onto the road and shall be retained at for as long as the development hereby permitted remains in existence.

HC19 No building shall be occupied before the access is constructed to and including binder course level to an adoptable standard including the provision of any surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 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.

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

Building Control

Building regulations application required.

Wales & West Utilities

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.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

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.

Built Heritage Officer

I can confirm that the property lies in open countryside immediately adjacent to the Llanfechain Conservation Area and opposite Cain Villa a listed building Cadw ID 82421 listed on 28 January 2001.

Whilst not having an objection in principle to the proposed development, I would have concerns with the application which is made in outline.

I would refer to policy ENV11 which clearly indicates that development within or adjoining conservation areas would need to be made in full and not outline.

I would also refer to the guidance in paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 which states that there “ *should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. It is preferable, for both the applicant and the local planning authority, for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline, application.*”

In addition PPW continues in paragraph 6.5.21 that “*There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level*”

As the application is made in outline that does not afford the ability to consider whether the proposal would adversely affect the character or appearance of the conservation area, or enhance the character or appearance.

Whilst the application is made in outline, there is an indicative layout and I cannot agree with the assumption that *the detailed design of the development will be a matter for consideration at reserved matters stage. However the indicative layout, scale and materials proposed will ensure that the development can integrate within its surroundings without giving rise to unacceptable impacts.*

The proposed indicative layout indicates a standard housing estate layout which is not found within the Llanfechain conservation area, where the properties are facing the road. The orientation of the properties abutting the road is of particular concern with the gables of 2 houses facing the road, and opposite the listed Cain Villa. I would consider that this form of layout whilst indicative would not enhance the character or appearance of the conservation area, to the contrary. The proposal would present the gable of houses with understandably a boundary treatment to afford some form of privacy to the rear gardens, which would be completely at odds with the character of the conservation area.

I would request that the application be withdrawn and resubmitted in full taking into account any comments from consultees, and if not withdrawn the application be refused as it fails to comply with Local Plan Policy ENV11 and SP3b and PPW in that the impact on the character and appearance of the conservation area and the setting of the listed building cannot be assessed in outline.

Whilst objecting to the principle of accepting an outline application in this location, should an outline application be considered acceptable contrary to UDP policy ENV11, I would request that consideration be given to a revised layout less standardised than the housing development suggested at indicative stage and more in keeping with the character and appearance of the conservation area.

Contaminated Land Officer

In relation to Planning Application P/2016/1154 there would be no requirements in respect of land contamination.

Land Drainage Officer

Having reviewed the Flood Consequence Assessment for the above application and, considered the response made by NRW, the LLFA would make the following comments.

Land Drainage / Flood Risk

Comment: The LLFA is aware of flooding issues in the vicinity of the proposed development site but not of the site itself. However, through the efforts made by interest parties and input from local residents, a better understanding of the historic flooding mechanism of the site is apparent.

It is understood that flooding in the lower eastern part of the site is attributed to surface water run-off from adjoining superior land, which is stored on site through existing topography and a small earth bund along the eastern boundary. It is important therefore the applicant considers how surface water run-off from the surrounding land will be controlled without exacerbating and/or creating any flooding problems on site or elsewhere through displacement of any floodwater.

The siting of any proposed dwelling or alteration of contours within the proposed site shall not compromise the function of the natural flood storage feature. Not only will this land drainage feature need to be safeguarded, there is also need for careful design towards the introduction of an appropriate interception drainage ditch to control surface water run-off from the adjoining superior land.

Surface Water Drainage

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to a sustainable drainage system. Further indications are made within the Planning Statement to indicate that surface water will be dealt with by sustainable means within the limits of the site.

No surface water drainage details/drawings have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design such as that recently published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems” dated January 2017 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

The general soil type for the site location is described as being ‘freely draining slightly acid loamy soils’ which would naturally absorb rainfall and allow it to drain through to underlying layers. The use of sustainable drainage techniques and or soakaways to successfully dispose surface water run-off in this type of soil structure should certainly be achievable. It is essential the proposed surface water drainage arrangements do not cause or create a flood nuisance on or off site.

Environment Protection.

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

Recommendation: Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage features shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government’s non-statutory standards for

sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage features and surface water drainage systems throughout their lifetime.

The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

Reason: To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design.

NRW

1st Response

Thank you for consulting Natural Resources Wales (letter dated 29/12/2016) regarding the above.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirements and conditions

Requirement 1 – FCA: The applicant revises the FCA as specified below to address deficiencies in the submitted FCA.

Condition 1 – European Protected Species (EPS): Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).

Flood Risk

The proposal involves highly vulnerable development partly within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partly at risk from the 1 in 100 year and 1 in 1000 year annual probability fluvial flood outline of the River Cain.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding the above policy advice, we have reviewed the flood consequences assessment (FCA) submitted and our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an appropriate level in line with TAN15.

Requirement 1 – FCA: The applicant revises the FCA as specified below to address deficiencies in the submitted FCA.

Local knowledge based on historic representations from local residents suggest that the site has been affected by overland flows from the north of the site.

The site abuts DAM C2 indicating fluvial flooding from the Afon Cain. Historic flooding referred to above does not derive from the main river but from other sources and so we advise that a more detailed FCA investigates the flood risk further.

Whilst the FCA recommends that finished floor levels of the proposed are set 300mm above adjacent ground level and that sustainable drainage techniques are utilised, no consideration has been given to impacts on third parties or how existing drainage problems can be overcome.

The revised FCA must source anecdotal information from local residents, in particular those who have openly commented as part of this application. Please refer to the Planning Portal for detail.

We would also expect to see reference to communications with the Lead Local Flood Authority, namely Powys County Council drainage team, over Historic flood risk information, especially if any are associated to the existing section of culverted watercourse running along the northern boundary of the proposal.

Furthermore, we note that the Local Development Plan Candidate Site Status Report (2015) for this area stated:

‘The highways and flooding issues highlighted that deem this site unsuitable are consistent with the Inspectors conclusions when looking at this site previously. Therefore it is recommended we go with the Inspectors previous decision to reject the site.’

We would therefore expect the FCA to give a justification as to why this proposal is now considered acceptable at this location.

The access/egress is entirely with DAM C2. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape/evacuation is feasible.’

2nd Response

Thank you for consulting Natural Resources Wales (letter dated 09/08/2017) regarding additional information on the above.

Our comments below relate to the flood risk aspect of the development only. All other comments and recommendations in our previous response also remain applicable.

Our significant concerns with the proposed development remain valid. We recommend that you should only grant planning permission if your drainage engineers, acting as Lead Local

Flood Authority (LLFA) are satisfied that flood risk can be managed as a result of the proposals:

Requirement – LLFA: Confirmation that the LLFA are satisfied that the flood risk associated with localised drainage problems can be appropriately managed

Flood Risk

In our previous response of 13/01/2017 (CAS-27661-Y1X4) we included a requirement that a revision to the Flood Consequence Assessment be submitted.

We acknowledge receipt of revised proposals which further remove built development from Zone C2 of the development advice maps associated with TAN15 and the findings of the Flood Risk Scoping Report (FRSR) (Waterco), dated May 2017.

We also acknowledge and appreciate that open discussion between all parties, including local residents has helped in understanding the historic flooding mechanism of the site. Ensuring all sources of information are available to all parties undoubtedly helps the Planning Authority secure sustainable developments with appropriate mitigation by way of reasoned co-operation between all parties.

Should your authority consider the proposals to be justifiable, in accordance with TAN15, we consider that your drainage engineers are consulted on the proposals, for the following reasons:

The FRSR has identified that flood risk to the site is not directly related to fluvial flood risk from Afon Cain (Main River). The main flood risk to parts of the site and neighbouring land and property, is associated with a combination of surface water run-off, retention on lower land and blocked culverts. Such flood risk should be considered by the LLFA.

The anecdotal evidence and Powys CC reports, with the FRSR demonstrate that reorienting the built development, without any further mitigation, does not necessarily remove risk to the proposed development, nor guarantee that risk to third parties is either controlled or removed.

Communication with the LLFA has highlighted the known risks from inadequate drainage/culverts in the vicinity. The LLFA may consider that this current planning proposal could provide the opportunity, to introduce betterment in terms of localised drainage improvements (inlets, outlets, culvert capacity, re-opening of culverts, ground recontouring etc). Cut-off drains and new drainage channels/swales should be considered as part of the overall drainage strategy to further ensure a more sustainable new development whilst providing wider community benefit.

Your drainage engineers may consider that further clarification is needed on:

- how the eastern retention area will be secured and managed and by whom.
- How the orientation of the proposed new dwellings and associated infrastructure will ensure existing overland run-off is not impacted.

In summary, whilst we acknowledge the findings of the Flood Risk Scoping Report and have no objection in terms of fluvial flood risk, your authority's drainage engineers may consider there is further work required to address localised drainage issues.

Requirement – LLFA: Confirmation that the LLFA are satisfied that the flood risk associated with localised drainage problems can be appropriately managed
Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

The application has been advertised through the erection of a site notice and press advertisement. Twelve objections have been received and are summarised below;

- The site is located outside the development boundary on greenfield land
- Concerns regarding highways safety, the increase in numbers and types of vehicles and the impact on pedestrians
- Concerns raised regarding the flood zone and surface water flooding
- Concerns regarding the impact of the development on the conservation area
- Housing stock in Llanfechain has doubled in the last 20 years
- There is a lack of affordable housing provision on the site
- The site has been discounted as an allocation in the emerging LDP
- Concerns regarding the sewerage infrastructure within Llanfechain

Planning History

No History

Principal Planning Constraints

Conservation Area
Listed Building opposite
Flood Zone B

Principal Planning Policies

National planning policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 2 - Planning and Affordable Housing (2006)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)
SP2 - Strategic Settlement Hierarchy
SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities
SP14 - Development In Flood Risk Areas
GP1 - Development Control
GP2 – Planning Obligations
GP3 - Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV4 – Internationally important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance
ENV7 – Protected Species
ENV 10 - Conservation Area Enhancement & Town Schemes
ENV 11 - Development in Conservation Areas
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
CS3 – Additional Demand for Community Facilities
RL6 – Rights of Way and Access to the Countryside
T2 - Traffic Management
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 - Mains Sewerage Treatment
DC13 - Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The application site is located wholly outside but adjoins the settlement development limits for Llanfechain as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policies HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

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

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The most recent Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

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

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be within a sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llanfechain is defined as a small village in the UDP. Whilst small villages do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area. It is noted that the settlement of Llanfechain is served by a number of facilities including a primary school, shop, garage, community centre and public house. The village also benefits from good transport links to surrounding settlements including the key settlement of Llansanffraid ym Mechain approximately 2 miles to the east of the site.

It is also important to note that in the emerging LDP Llanfechain will be promoted to a large village.

In light of the above the site is considered to be situated within a sustainable location.

Affordable housing provision

The Unitary Development Plan Policy HP7 requires the provision of affordable housing within applications for five or more dwellings or sites of 0.3 hectares and over. It is noted that indicative layout plan demonstrates a development of six dwellings and the site extent is 0.6 hectares, as such affordable housing provision will need to be conditioned as part of any consent. Subject to appropriately worded conditions it is considered that the proposed development fundamentally complies with relevant planning policy.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 6 dwellings could be accommodated on the site.

Although Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 6 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2, ENV14 and HP5.

Landscape and Visual Impact

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change.

In terms of landscaping the indicative layout plan indicates that there will be existing hedgerows retained within the site. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

Built Heritage

UDP Policy ENV11 stated that proposals for development within or adjoining a conservation area should be of high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed.

Policy ENV14 of the Powys Unitary Development Plan (2010) states that proposals for development which unacceptably adversely affect a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting, account will be taken of the following: The desirability of preserving the listed building and its setting; the importance of the building, its intrinsic architectural and historic interest and rarity; the effect of the proposals on any particular features of the building; the buildings contribution to the local scene; the condition of the building and the need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design.

Due to the proximity of the site to the conservation area the Built Heritage Officer was consulted on the application. Their response states that the proposed indicative layout indicates a standard housing estate layout which is not found within the Llanfechain conservation area, where the properties are facing the road. The orientation of the properties abutting the road is of particular concern with the gables of 2 houses facing the road, and opposite the listed Cain Villa. I would consider that this form of layout whilst indicative would not enhance the character or appearance of the conservation area, to the contrary. The proposal would present the gable of houses with understandably a boundary treatment to afford some form of privacy to the rear gardens, which would be completely at odds with the character of the conservation area.

Whilst the concerns of the Built Heritage Officer are acknowledged Officers consider that as the layout, design and landscaping are matters for future consideration it is considered that through sensitive design at reserved matters stage that this could overcome the concerns raised. In order to ensure that the proposal does not detract from the conservation area or listed building, conditions will be attached to any consent requiring the submission of

landscaping details, materials to be used in the development and permitted development rights for building such as outbuildings etc. will be removed.

It is therefore considered that on balance a residential development in this location could be designed not to have an unacceptable impact on the conservation area or listed building or its setting and therefore fundamentally complies with policy ENV14 of the Powys UDP

Highway Safety

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from County Unclassified Highway U2041.

Consultation with the highways Authority initially raised concerns regarding the proposed access. Following the submission of further information and detailed drawings the Highways Authority removed their objection subject to condition being attached to any grant of consent.

In light of the officers comments it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Flooding

Policy SP14 states that highly vulnerable development and emergency services will not be permitted in Zone C2.

PCC Environmental Health and NRW were consulted with regard to drainage.

The PCC officer noted that if foul drainage is to be discharged to soakaway then a porosity test will need to be submitted; if however the discharge will be to the river, then consent will be needed from the NRW.

Initial comments from NRW requested confirmation of what type of foul drainage the applicant is proposing. NRW indicated that they had records of a main sewer within close proximity of the site. NRW indicated in their comments that they would oppose a proposal to install a private treatment facility as detailed in the Foul Proposals letter dated 18th May 2017 unless the developer can demonstrate that it is not reasonable to connect to the public system.

Following the provision of additional information for consideration NRW provided further comments. They indicated that they had received further information regarding the proposed method of foul waste. This information had demonstrated that they will be connecting to the main sewer which is their preferred option. NRW confirmed that the information submitted had satisfied their previous requirement.

In light of the above it is considered that the proposals fundamentally comply with Policy DC10 of the Powys Unitary Development Plan (2010).

Land Drainage

Policy DC13 states that development proposals will be permitted where they make adequate provision for land drainage.

Following consultation with NRW, they stated that they were content with the submitted Flood Consequence Assessment but advised that we should contact our Land Drainage Officers in order to ensure that they were content with the submitted information.

The FCA along with NRW's comments were forwarded on to the Land Drainage Officer who advised that they were aware of flooding issues in the area but not on the site itself. Land Drainage offered no objections to the proposed development subject to a condition securing details of the proposed land drainage features to be submitted as part of a reserved matters application.

As such it is considered that the proposal fundamentally complied with policy DC13 of the Powys Unitary Development Plan (2010).

Residential 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. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Oher Legislative Considerations

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

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

From the 2011 census for the Llanfechain Ward there was a decrease in the number of people speaking Welsh (3 years of age and above) from the 2001 census (22.7% down to 19.6%).

Given the scale of the proposed development and the provision of affordable housing it is not considered that the proposal would have an unacceptable adverse impact on Welsh Language and culture.

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the occupation of the dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
5. The gradient of the access road 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.
6. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. Before any other development commences 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 0.26 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 areas 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. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of

250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. Prior to the occupation of each 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. The parking areas shall be retained for their designated use in perpetuity.

10. The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5 metres and shall be maintained at this width for as long as the development remains in existence.

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

12. Prior to the occupation of the development a 2.0 metre wide verge shall be provided on the each side of the site access and along the full (new) frontage of the site onto the road and shall be retained at for as long as the development hereby permitted remains in existence.

13. No building shall be occupied before the access is constructed to and including binder course level to an adoptable standard including the provision of any surface water drainage and street lighting in front of that building and to the junction with the county highway.

14. 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.

15. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

17. Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage features shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land

drainage features and surface water drainage systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

18. 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 20% affordable dwellings;
- 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.

19. 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, alterations, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

20. 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.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design in accordance with UDP Policy DC13.
18. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
19. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
20. 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 2016.

Informative Notes

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk