

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0497	Grid Ref:	311271.68 264076.6
Community Council:	Penybont C	Valid Date:	Officer: 16/05/2017 Tamsin Law
Applicant:	Mr & Mrs DG, MM, DG, IJ, MJ & N Owen, Cwmrhocas, Penybont, Llandrindod Wells, Powys, LD1 5SY		
Location:	Land to South of A44, Penybont, Llandrindod Wells, Powys		
Proposal:	Outline: Residential development (up to 5 no. dwellings) with some matters reserved and associated works		
Application Type:	Application for Outline 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 0.85 hectares and is located to the east of Penybont. The site is considered to lie outside the development boundary of Penybont, as indicated in Inset Map R83 of the Powys UDP; however a small section of the site does lie within. The site does directly adjoin the development boundary.

The site is currently open agricultural grassland and is bound existing residential dwellings to the north and east and agricultural land to the south and west. The site is accessed from the C1353, a classified highway, which leads to the A44.

Consent is sought in outline with all matters reserved, for the development of up to 5 new dwellings with garages, formation of access road and all associated works.

Consultee Response

Penybont Community Council

At a meeting of the Penybont Community Council Planning Committee on Tuesday 13th June 2017 in respect to the above application. The council resolved to object to the whole application.

The areas of concern are as follows:

1. The application falls outside of the UDP 2010 (Map MEWNOSOD R83 Inset Map)
2. It is acknowledged that it has become a Candidate Site (788) in the new LDP which has not been approved.

3. The ecological report dated March 2017 is as stated in paragraph 3, '...was completed during January, a time of year which is considered to be *sub optimal*.' As a direct consequence, the description contained within 5.3 *Habitat* is inaccurate and misleading as to the diversity of the area.
4. Para 5.7 is inaccurate as residents whose land adjoins this application have informed the council that the Great Crested Newts are clearly visible at the appropriate times in the year.
5. The council agrees with the Highways Agency that the planned exit from the site will cause a danger to other road users and residents.

Residential planning consent at Cattle Market Penybont Llandrindod Wells Powys LD1 5UA for multiple units (RAD/2004/0557) remains unfinished and an eye sore for this tourist area. Any further development should be halted.

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.

CPAT

I write to confirm that there are no archaeological impacts arising from the proposed development at this location.

Dwr Cymru Welsh Water

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

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

SEWERAGE

Conditions

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

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

Advisory Notes

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

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.

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

Countryside Services

Thank you for the opportunity to comment on this planning application.

The applicant is proposing to use the route of the footpath as the vehicle access to the site. This footpath is recorded as being 2m wide, and this width should not be impinged upon either during construction or once the site comes into use. It is advisable that the applicant thinks carefully about the issues to do with public pedestrian rights and private vehicle access rights to the site, to ensure that the public accessing the site are kept safe.

It is therefore strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services

directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

We would therefore advise that advice is sought from Countryside Services before any development begins.

Cadw

Thank you for your letter inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument known as Penybont Common Roman road and early turnpike road RD258. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application is located some 950m southwest of scheduled monument Penybont Common Roman road and early turnpike road RD258; however it will not be visible from the designated monument and will not cause any damage to its' setting.

The projected line of the Roman road which connected the forts at Castell Collen and Leintwardine will pass close to the application area. Therefore Clwyd-Powys Archaeological Trust should be consulted as to the possibility that undesignated archaeological features associated with the road could be located in the application area.

Powys Highways Authority

1st Response Received

This application should be refused.

Reason for Refusal

Whilst this is an "outline" application, it is noted that the means of access is a matter to be determined at this stage. Unfortunately the applicant has provided very little detail on the access arrangements and the level of visibility that would be available.

Requisite visibility for an access of this nature within an existing 30mph speed limit, is 2.4m x 45m, as stipulated within Manual for Streets and TAN 18. Having visited the site it is clear that such visibility is not achievable at this location due to third party boundary obstructions to the east of the access. Indeed the available visibility measured during a recent site meeting was recorded at just 14metres which is suitable for vehicular speeds of just 12mph.

The application is therefore contrary to Policy GP4 in that it would not provide a safe means of access due to inadequate access visibility. The additional traffic movements such a development would generate through such a sub-standard access would exacerbate risks to highway users which would be to the detriment of highway safety.

2nd Response Received

Please see my latest response based on the latest updated highway submission.

This application should be refused.

The revised access arrangement put forward by the applicant as shown on drawings "Figure 1 & Figure 2" is totally unacceptable to the Highway Authority.

The revised proposal as submitted seeks to narrow the existing C1353 carriageway width by circa 1.6m metres on a particularly hazardous stretch of the carriageway directly on a bend which already provides limited forward visibility. Such a proposal would result in a wholly unacceptable and dangerous alignment along the C1353 that would put vehicles attempting to align themselves to exit the site, at risk of collision with vehicles travelling from the south to the north along the C1353 county highway. It would also severely increase the likelihood of collisions for those vehicles travelling along the C1353 whilst attempting to negotiate that bend.

This is emphasised by the submitted swept path drawing, which although simulated and controlled, clearly shows that a refuse vehicle and car travelling in opposite directions would not be able to pass safely simultaneously. The drawing does not simulate the movements for HGV vehicles, which routinely use this route to service nearby poultry units and relies on vehicles having to almost traverse the centreline prior to the bend; it makes no allowance for variations in driver behaviour. In addition the applicant has failed to demonstrate the forward visibility available for right turning vehicles and the access does not appear capable of providing simultaneous access and egress which would further increase associated highway safety risks.

In light of the above the Highway Authority maintains that the application is contrary to Policy GP4 in that it would not provide a safe means of access. The additional traffic movements such a development would generate through such a sub-standard access would exacerbate risks to highway users which would be to the detriment of highway safety.

3rd Response Received

I have reviewed this site and the response from yourselves.

Unfortunately I do not agree with your assessment and without alteration I will not be changing my recommendation. I do not see the parallels between this site and the site at Cefnlllys; there was no detrimental change to the existing highway layout to facilitate development at Cefnlllys as there is in this instance. Potential conflict does not just arise through the meeting of lorries at this point, you have clearly demonstrated that a lorry and car could not pass safely at this point as a result of the narrowing which they are able to do at present. The proposed narrowing as proposed is totally unacceptable and creates a totally alien alignment, which would in reality be ignored on the ground.

I do however feel that there may be scope to provide a realignment of the kerb edge adjacent to the site to provide the visibility (not white lining/hatching) and for the kerb opposite to be amended accordingly so that road narrowing is not necessary; there would appear to be sufficient land available for such works.

Perhaps you could look into this as an option?

4th Response Received

The drawings provided are generally in line with what I thought may provide a solution; it would be helpful if swept paths demonstrating vehicular movements before and proposed could also be provided.

Are the drawings based on a topo and can the existing boundary features be added to demonstrate that the realignment can be provided within the existing highway limits?

5th Response Received

I am relatively satisfied that the realignment as shown will be acceptable. Can I ask that you produce a final drawing showing the realignment (existing alignment shown dotted line), with a continuous drop kerb across the access (not give way line), visibility splay to the east, radii and initial 10m of the access which should be a minimum 4.8m wide over that length.

6th Response Received

I have finally had opportunity to review the revised access proposals submitted by the agent as attached.

The information submitted is considered sufficient to demonstrate that suitable levels of access visibility can be provided to serve the site, subject to the realignment of the adjacent C1353 county highway and footway. The proposals to bring forward the access and realign the carriageway include "swept path" drawings which demonstrate that the proposed realignment would have no detrimental impact on vehicular movements along the C1353. Accordingly the Highway Authority removes their previous recommendation of the refusal subject to the inclusion of the following highway conditions.

- No works shall be commenced on the development site until engineering drawings detailing the highway realignment works required along the C1353 county highway are submitted to and approved in writing by the Local Planning Authority. The realignment works shall be constructed to adoptable standards prior to any other works being commenced on the development site.

- No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning areas shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

- No further development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so

formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

- Before any other development is commenced 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.

- The width of the access carriageway constructed be not less than 4.8 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

- Any vehicular entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

- Prior to the occupation of any of the dwellings, 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.

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

Environmental Health

As the sewerage is going to mains I have no concerns from that angle however I feel the development should have restrictions regarding times.

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the 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 Sundays and Bank Holidays

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

Representations

The application was advertised through the erection of a site notice and through press advertisement. Two letters of objection have been received and are summarised below;

- The site does not fulfil the criteria for infill site required by small villages
- The site does not adjoin an existing road or pavement hence the need to construct a new road
- Part of a larger field and would ‘box in’ existing dwellings
- The proposal is not required by housing demand
- Reports submitted were undertaken in ‘sum optimal time’
- Large traffic volume in the lane, especially with recent poultry developments.
- Other development within the settlement remains incomplete
- Not considered as an acceptable site within the LDP
- Concerns regarding poor highway safety
- Inaccurate information submitted as part of the application – no Post Office or Store in the settlements

Planning History

None.

Principal Planning Constraints

TPO

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 10 – Tree Preservation Orders (1997)
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

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

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
ENV8 – Tree Preservation Orders
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 partially outside but adjoins the settlement development limits for Penybont as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

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 latest 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.

Penybont is considered a large village in the UDP. Whilst large 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 Penybont is served by a number of facilities including a pub, community centre, trotting race track and football pitch. The village also benefits from good transport links to surrounding settlements including the

larger settlements of Crossgates and Llandrindod Wells. Penybont is also serviced by a railway station (located outside the village boundary limits, as part of the Heart of Wales line).

The application site does adjoin the development boundary of Penybont however Members should consider the sustainability of the settlement. Whilst Officers consider that Crossgates and Llandrindod Wells are in easy travelling distance via a range of transport methods, consideration should be given to the sustainability of Penybont, which has limited facilities. Looking at the emerging LDP, Penybont will lose its status as a Large Village and be defined as a Small Village where development of open market dwellings will be restricted to infill development for 2 dwellings.

Penybont has benefitted from the approval of 6 dwellings in the last few years (5 dwellings as departures and one dwelling within the settlement) and approximately 12 dwellings remains incomplete. As such, consideration of the sustainability of the settlement must be balanced against the need to improve the housing land supply.

It is Officers consideration that Penybont benefits from strong links to Llandrindod Wells and Crossgates which will provide wider services over those within Penybont. It is therefore considered, in light of the services provided in relatively close proximity to the site, that on balance, the proposal is considered to be located 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 this application seeks consent for five dwellings and as such a single affordable dwelling is being provided. 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 5 dwellings could be accommodated on the site.

Although Officers acknowledge that all matters relating to this application, apart from access, have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 5 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 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 to the east, west and south. 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.

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.

Following initial concerns over the proposed access amended details were submitted in support of the application. Consultation was undertaken with the Highways Authority who confirmed that based on the submitted information, which details a realignment of the highway and footway, that they removed their objection to the proposed development.

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).

Drainage

PCC Environmental Health and Dwr Cymru Welsh Water were consulted with regard to drainage.

The PCC officer offered no objection as the site would utilise mains sewerage and Welsh Water offered no objection to this.

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

Local Amenity

Consideration has been given to the proposed development of up to 5 dwellings in this location with regard to potential adverse impact upon local amenity. Whilst it is noted that all

matters are reserved for a future date, consideration has been given to the proposed site plan provided. It is considered that any potential likely adverse impacts upon existing neighbouring dwellings can be addressed through design and should be considered at the reserved matters stage.

Comments received from PCC Environmental Health offered no objection to the proposed development subject to a condition restricting the hours of construction.

In light of the above and subject to the inclusion of appropriately worded condition it is considered that the proposals fundamentally comply with relevant planning policy.

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. Penybont 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 Penybont Ward there was a slight increase in the number of people speaking Welsh (3 years of age and above) from the 2001 census (12.7% up to 12.8%).

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.

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.

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. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
5. No development shall commence until engineering drawings detailing the highway realignment works required along the C1353 county highway are submitted to and approved in writing by the Local Planning Authority. The realignment works shall be constructed to adoptable standards prior to any other works being commenced on the development site.
6. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning areas shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
7. No further development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
8. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
9. Before any other development is commenced 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.
10. The width of the access carriageway constructed be not less than 4.8 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
11. Any vehicular entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
12. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

13. Prior to the occupation of any of the dwellings, 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.

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

15. 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 Sundays and Bank Holidays

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

16. 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 30% of housing units/bed spaces;
- 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.

17. 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 dwellings shall not be subject to extensions and alterations, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

18. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees shown to be retained. The approved scheme shall be carried out during the course of the development.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
5. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
6. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
7. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
8. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
9. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
10. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
11. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
12. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
13. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
14. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
15. In the interest of protecting neighbour amenity during construction works in accordance with Policy GP1 of the Powys Unitary Development Plan (2010).
16. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)
17. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)

18. In order to protect existing trees on site in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

Informative Notes

Case Officer: Tamsin Law – Principal Planning Officer
Tel: 01597 827230 E-mail: Tamsin.law@powys.gov.uk