

4. The councillors question the feasibility of the proposed footpath/pavement along Olivers Lane, and whether it would comply with regulations in any case
5. Is there direct access to the proposed property, and how would emergency vehicles gain access?

In addition, the councillors' comments from the previous application still stand, viz:

1. They are concerned about water run-off and flooding potential
2. The area is meant to be a conservation area
3. Any fencing must not diminish light from neighbouring properties (the councillors note the leylandii on the new plans)
4. They do not accept that the proposed building is in keeping with the area
5. Any new building must not overlook existing buildings

Highway Authority

Consultation received 17/01/2017

The County Council as Highway Authority for the County Unclassified Highway, U2392

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application should be Deferred.

Reasons for Deferral

The applicant states on page five of the Design and Access Statement that their intention to construct a footway along the length of the U2392. However, this proposal is not mentioned in the Highway Report by Woodsyde Developments Ltd dated 17/12/2011.

As this is a full application, full engineering drawings to include cross sections for the footway link should have been submitted.

In addition the red line area does not extend to include the proposed footway link.

The Highway Authority recommend that this application be deferred until such time as full engineering drawings and cross sections are submitted for consideration in relation to the proposed footway link.

To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Consultation received 26/03/2018

The County Council as Highway Authority for the County Unclassified Highway, U2392

Wish the following recommendations/Observations be applied

Recommendations/Observations

Having reviewed the further information supplied by the agent it is agreed that a footway is not required as part of this development.

If the planning authority are minded to approve this application the following condition should be applied.

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

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Councillor Heulwen Hulme

Consultation received 09/10/2017

With reference to the planning application no. P/2017/1048 Land adjacent to Bryn Afal. I wish to call this in to committee as there is considerable history in terms of planning at this site and I consider it appropriate that it goes before a full committee for consideration.

Consultation received 13/10/2017

Further to my recent email I wish to make additional comments regarding this application.

1. Olivers Lane is narrow and steep and additional vehicles would present highways issues
2. Impact on the local church which forms part of the conservation area.
3. It will overlook neighbouring properties which are sited directly below the proposed dwelling.

Consultation received 16/05/2018

With reference to the above planning application, due to the history associated with this applicant I wish for the application to go before the full committee.

Environmental Health

Thank you for your consultation in respect of this application, I can confirm that as the development is connecting to the mains I have no objection

Powys Ecologist

Consultation received 10/11/2017

Thank you for consulting me with regards to planning application P/2017/1048 which concerns the full planning application for erection of 1 no. affordable dwelling, creation of pedestrian footway and all associated works on Land adjacent to Bryn Afal, Tregynon, Newtown.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 52 records of protected and priority species within 500m of the proposed development including records of reptiles - no records were for the site itself.

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

The site of the proposed development appears to be an area of rough tussock grassland with ruderal vegetation, tree and hedgerows on the western and northern boundary - a habitat of ecological value.

Habitat Phase 1 and Protected Species Survey

An extended Phase 1 habitat survey will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Therefore it is considered that there is insufficient information with regard to potential impacts to protected or priority species and habitats to determine this application. Further information is required to be submitted prior to determination of the application.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP. Particular consideration should be given for the potential for the site to be used by reptiles (please see comments below).

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation

and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

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

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Reptile Survey

From available photographs the identified habitat that has the potential to support reptiles. It is considered that this structure of the habitat is suitable for reptiles and that a reptiles survey will need to be undertaken, all species of reptiles known to occur within Powys are protected against killing and injuring under the Wildlife and Countryside Act 1981 (as amended) in addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

The proposed developments therefore have potential to impact these species and their associated habitats if they are present. Survey reports and mitigation plans are required prior to determination of applications for development projects that could affect protected species. Therefore it is considered that there is potential that the Extended Phase 1 Survey may identify the need for a reptile survey to be undertaken to identify any potential impacts to reptiles and the need for mitigation measures.

Should the Extended Phase 1 Survey identify potential impacts to reptiles then appropriate surveys in line with national guidelines will need to be undertaken by a suitably qualified and experienced ecologist at the correct time of year.

The applicant should be mindful that where a significant reptile population is identified and it is not possible to maintain the required habitat at the site it may be necessary to translocate animals to an alternative location, this will involve identification of a suitable receptor site as part of any mitigation identified.

Alternatively it could be assumed that reptiles are present at the development site and the proposed developments will impact habitat suitable to support reptiles. Given the scale of the development it is suggested that an alternative to a reptile survey being undertaken that a Reasonable Avoidance Method Statement (RAMS) could be submitted to minimise the impact to the possible reptiles present on site and in the wider area.

Tree and Hedgerow Replacement and Protection Plan

Given the proximity of proposed development and associated works to the hedgerow and tree boundary, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

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

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

It is unclear if sections of the hedgerow is required to be removed. However, where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Wildlife Sensitive Lighting Plan

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

Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is

recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Consultation received 20/12/2017

I have received an email from Malcolm Brown with regards to planning application P/2017/1048.

In response to Mr Brown email;

Reptiles

With regards to records of protected species data search within 500m of the proposed development there are records of reptiles – slow worms (2008) within 131m of the proposed development – on the screen shot Mr Brown provided it appears no records of reptiles were found within 2km of the proposed development.

Bats

I understand that you have also stated that there are no records of bat – the data search which I carried out identified a number of records of bats within 500m of the proposed development within 59m-256m (1989-2013).

Badgers

The data search which was carried out found two records of badger within 331m (2001/2015) of the proposed development.

Great crested newts and Hazel dormice

I do agree that there are no records of great crested newts or Hazel dormice within 500m of the proposed development.

From the applicants' email it appears that an ecological consultant has already carried out a 'preliminary assessment' of the site and has concluded that a full extended phase 1 survey is not necessary. If this is the case – then a report (or another appropriate format) to reflect this assessment could be submitted.

Once the report is submitted then it can be reviewed and considered if it is appropriate and acceptable.

RAMs

With regards to a submission of a RAMs - it could be assumed that reptiles are present at the development site - if habitat has potential to support reptiles. Therefore, alternatively to a reptile survey being undertaken that a Mitigation strategy and/or Reasonable Avoidance Method Statement (RAMS) could be submitted to minimise the impact to possible reptiles present on site and in the wider area.

The request for further ecological information was based on the available information and the fact that protected species and biodiversity is a material consideration in the planning process therefore PCC need to ensure they have sufficient information to assess potential impacts and the requirement for any mitigation.

Consultation received 29/01/2018

Thank you for consulting me with regards to additional information submitted for planning application P/2017/1048.

An ecological survey assessment was requested to be undertaken to identify the habitats present on and adjacent to the site and the potential to support protected species.

A Phase 1 habitat survey has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

I have reviewed the Ecological Constraint Assessment Report produced by Star Ecology dated 8th January 2018, I consider that the survey effort employed was in accordance with National Guidelines.

A site visit which took place on the 28th December 2017 to carry out a phase 1 habitat survey.

The habitats identified on the proposed development site is an area of existing compacted aggregate and bare ground access track and an area of semi-improved rank grassland. The nature of the surrounding habitat indicated that the following species have potential to be present and affected by the proposed development;

Badger, bats, hedgehog, reptiles and nesting birds.

Given the habitat present Dormice, Great Crested Newts, Otter, Polecat and Water Vole is considered unlikely to be present and affected by the proposed development.

Badger; No evidence of badger was present on the site however, it is considered possible that badgers may occasionally forage on the site. Therefore mitigation measure have been recommended to ensure that badgers that may occasionally be present on the site are not killed or injured by building works.

Bats; There are no potential bat roost habitat on or bordering the proposed development site. However it is considered that bats may be using the site and boundaries for foraging purposes. Therefore it is recommended that provisions of bat boxes are installed on the proposed development and that external lighting considerate to this species.

Hedgehog; No evidence of hedgehog was found during the survey on the site. However, it is possible that hedgehog may occasionally forage on the site. Therefore mitigation measure have been recommended to ensure that hedgehogs are not killed or injured by building works.

Reptiles; The site is considered suitable for reptiles. Considering the scale and habitat of the development site it was not considered necessary for a reptile survey to be carried out. However, mitigation for reptiles have been recommended to ensure that reptiles are not killed or injured during the construction of the development.

Breeding Birds; The proposed development does not require the removal of vegetation. However, it is possible that vegetation suitable for birds is used for nesting purposes to be present on the site prior to the development works commencing. Therefore mitigation measures have been recommended to ensure that small breeding birds are not killed or injured by the possible removal of vegetation.

Whilst the Phase 1 habitat Survey considered the proposed development to be of negligible ecological impact - mitigation measure have been recommended in appendix 2-5 of the ecological report. Mitigation measures include fencing to be installed around the perimeter of the site prior to construction, delivery of a tool box talk, excavated area not to be left open or 'ramps' installed – excavated area inspected every morning, Reasonable Avoidance Measures regarding reptiles to be applied and vegetation clearance to take place outside of the bird nesting season (1st October-1st March).

Given the identified mitigation measures in the ecological report - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

External Lighting

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

Landscape Planting Scheme

From landscaping plans submitted on the 12th January 2018 is appears that new tree planting is proposed. Consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes (% of mixed species, length), planting schedules and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Further to my previous response dated 10th November 2018 - should you be minded to approve the application I recommend inclusion of the following conditions:

The mitigation measures identified in Appendix 2-5 of the Ecological Constraint Assessment Report produced by Star Ecology dated January 2018 shall be adhered to implemented and maintained thereafter in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

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

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 approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales

Consultation received 04/10/2017

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however; should you have any queries, please do not hesitate to contact me.

Consultation received 01/02/2018

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however; should you have any queries, please do not hesitate to contact me.

Land Drainage

Consultation received 11/05/2018

The observations made by the Mr Roberts are valid. At the time, I did raise issues with the soakaway design at the Appeal. I've attached my briefing notes for the Appeal and, my response back to the Drainage Consultant. As you will gather, there were errors in the design calc's than in my opinion would greatly alter the size of the soakaway system and by doing so can a larger soakaway be physically installed on the site, particularly when you have to take into account its proximity to the new dwelling and any existing properties. Building Reg's state that a soakaway should be sited at least 5m away from property and roads. But the inspector did what he/she did!

It wasn't clear on the portal but other factors such as size of surface area being drained will have a bearing on the size of soakaway. Has the scale of the property remained the same?

Other factors to bear in mind with large soakaways, particularly on an elevated site like this, is the location of the proposed system in relation to foundations and slopes and implications on stability and whether these may be affected by the presence of an infiltration system. It may be necessary for a geotechnical assessment to be undertaken to evaluate.

In my opinion, additional information would be necessary to assess whether a suitable soakaway system could be installed on the site.

Consultation received 22/05/2018, 16:08

I note the response given by Mr Brown dated 22 May 2018.

Firstly, I was not aware of the Inspector's findings and it would have been helpful to have seen a complete decision notice. Are you able to forward one on please? However, noting what Mr Brown has inserted of the Inspector's findings, it is apparent that the Inspector was satisfied that there was sufficient information to suggest that a suitable drainage scheme could be implemented and secured by a condition to any permission.

I would however point out that where Mr Brown in his response below alludes to the errors within the Drainage Consultant's Report being corrected and, importantly, submitted to both the Inspector and myself prior to the reconvened hearing, this is incorrect. The original report from Les Stephan Planning Ltd was received on the 6th March 2018 (see attached). I would point out that the report submitted by Mr Brown in which these corrections have been made, although dated 4th March 2012, there is a revision date at the end of the report to indicate these amendments were completed on the 10th March 2012 (ref: Rev A: 10.03.12), two days following the reconvened hearing. I've not seen a copy of this revised report until today.

Having reviewed the revised drainage calculations my only comment is that a further check should be made over the size of soakaway required. The design put forward in the revised report is not conclusive in determining the optimum size of soakaway to comply with BRE365 and rainfall event set out in the drainage report. The table at the top of page 4 of the revised report does not fully determine the length of proposed soakaway against the critical storm duration, i.e. the soakaway length keeps increasing for greater storm durations. In a satisfactory design, a peak in the proposed length of soakaway should have been seen as the critical storm duration increases.

I can only reiterate my earlier concerns in respect to the design of the proposed soakaway and whether or not it can be physically installed on the site, given the site constraints.

Consultation received 22/05/2018, 16:39

Please note in the third paragraph of my response below, the date on which Les Stephan Planning Ltd submitted the original drainage report was 6th March 2012 not 6th March 2018.

Consultation received 26/06/2018

Having reviewed the revised submitted (see attached) surface water soakaway design prepared by Woodsyde Developments Limited, this would be deemed acceptable.

I would therefore recommend that the surface water drainage disposal arrangement for this site be built in accordance with the soakaway design submitted.

Public Response

Following the display of a site notice on the 29/09/2017 for the period of 21 days, 9 letters of objections have been received. The reasons for objection are as follows;

- Light pollution;
- Noise pollution;
- The property would remain empty should the applicants children not reside there;
- The application refers to the construction being for the applicant's children, however there is nothing to prevent the applicant from selling the plot/erected property on the open market;
- Impact upon the character of Oliver's Lane - need to ensure the character remains and is not spoilt by street lighting and pavements;
- Impact upon conservation area;
- There is currently no turning space and vehicles have to reverse out of the housing site onto Olivers Lane to turn;
- The access via Olivers Lane is insufficient and cannot serve another dwelling;
- Olivers lane is a single track road with no passing places so vehicles have to reverse to the junction;
- The proposal seeks parking provision for 3 cars which would increase movements considerably on the road;
- Policy of the Local Highway Authority to permit a maximum of 5 dwellings off a shared private drive, whilst six or more dwellings requires an adoptable cul de sac, which is not possible due to the layout of the site;
- It is understood that the Local Highways Agency has determined that Oliver's Lane does not have the capacity to accommodate additional traffic and pedestrian movement;
- The width of the side road junction, the junction visibility and proximity to the C2141/B4389 are not suitable to accommodate or to serve any additional residential development;
- This junction is already deemed by the Local Highways Agency to be substandard in terms of awareness, geometry, gradient, lack of pedestrian provision and visibility for emerging traffic and proximity to the C4141/B4389 road junction;
- A sixth residence would raise a major issue in respect of surface water drainage;
- The clay composition of the ground the surface water drains would need to be connected to the surface water drain that enters the brook. This in turn runs to the stream in the village. This will increase flood risk in the village and properties closest to the proposed property which have a history of flooding;
- Unacceptable smells coming from drainage;
- There are issues within the drainage details submitted – inappropriate soakaways;
- Overlooking neighbouring dwellings;
- Impact upon privacy due to distance to neighbouring dwellings

Planning History

P/2010/0291 - Erection of a dormer bungalow & formation of a new vehicular access - Refused 6th May 2010.

P/2010/1172 - Erection of a dormer bungalow and formation of vehicular access - Refused
16th June 2011.

APP/T6850/A/11/2164773 - Erection of a dormer bungalow and formation of vehicular access. Appeal Dismissed 23rd April 2011.

P/2015/0878 - Erection of a dwelling and associated works - Refused.

Principal Planning Constraints

Zone B – Flood zone

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN11 – Noise (1997)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policy

Powys Local Development Plan (2018)

SP1 – Housing Growth
SP3 – Affordable Housing Target
SP5 – Settlement Hierarchy
SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM1 – Planning Obligations
DM2 – The Natural Environment
DM6 – Flood Prevention Measures and Land Drainage
DM12 – Development in Welsh Speaking Strongholds
DM13 – Design and Resources
T1 – Travel, Traffic and Transport Infrastructure
H1 - Housing Development Proposals
H2 – Housing Sites
H3 – Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions

Powys Residential Design Guide 2004

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Introduction

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 within Tregynon which is defined as a large village within the adopted Local Development Plan. For the purposes of the LDP, the site is located within the settlement limits. In such locations, Members are advised that there is a presumption in favour of appropriate residential development. As such, Development Management considers the principle of development to be acceptable.

Suitability of design

LDP policy DM13 indicates that development proposals will only be permitted where it has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Having visited the application site, it is noted that the two storey dwellings to the north and east are at a higher ground level than the application site. The dwellings to the south west of the site are at a considerably lower ground level and comprise a mixture of detached and terraced two storey properties. Tregynon Conservation Area adjoins the southern boundary of the site and includes the dwellings located to the south.

Officers do not consider that the proposed dwelling is in keeping with the character and appearance of neighbouring residential units by virtue of its design. It is considered that the siting of the proposed dwelling close to the north and east boundaries would appear cramped, indeed the dwelling would be located within approximately 3 metres and 5 metres of the boundary treatments of the neighbouring dwellings respectively. As well as

appearing cramped, the layout of the site is considered to be out of character with the low density layout of the properties to the north and east.

In commenting on the 2011 appeal (21647730), it is noted that the Inspector indicated that the cramped appearance of the development would be at odds with the rather open appearance of the surroundings. When viewed from the road to the south, the Inspector concluded that within its immediate context, the scheme would appear as ad hoc development based on the use of available land rather than on any considered approach to the character of the area. As a result, it was indicated that the proposal would undermine the character of the area contrary to planning policy. Whilst noting that amendments have been made to the earlier schemes, it is considered that the principal concerns have not been addressed with respect to character and appearance and therefore Officers consider the proposal is contrary to policy DM13.

Impact on Amenity

LDP Policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably adversely affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The key amenity concerns in relation to the proposed residential development include the potential impact of the development on the amenity of future occupiers of the dwelling together with the amenities enjoyed by occupants of neighbouring properties.

The dwelling will be sited approximately 5 metres from the boundary fence of the neighbouring property to the east, 3 metres from the boundary treatment with the property to the north and approximately 19 metres from the corner of the proposed dwelling to Cream Cottages to the south west.

The ground level of the site and adjoining land varies greatly. Given the steep bank to the north of the property and positioning of the proposed dwelling, it is considered that Bryn Afal will have an overbearing impact on the future residents of the proposed dwelling, compromising residential amenity.

Cream Cottages are located to the south of the proposed dwelling at a much lower ground level. This application proposes to construct a fence along the southern boundary of the site which would extend to approximately 2.7m in height. It is acknowledged that there is an existing fence under 2 metres on the southern boundary, nonetheless the increase in height of the boundary treatment would exacerbate the existing overbearing impact created through a difference in ground level which Officers consider would have a significant overbearing effect on the occupiers of Cream Cottages.

It is noted that the earlier appeal was dismissed on the grounds that the proposed development would result in unacceptable harm to the living conditions of nearby residents and to the residents of the proposal. Whilst Officers acknowledge that amendments to the scheme have been made and that it is the intention for the applicant's relatives to occupy the proposed dwelling, given the topography of the site and surrounding land, it is considered that the erection of a dwelling at this location would unacceptably adversely

affect the amenities enjoyed by existing residents together with those of the future occupiers of the proposed dwelling contrary to policy DC13 of the Powys LDP.

Highways Safety and Movement

LDP policy DM13 part 11 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.

Access to the site is via Oliver's Lane which is a narrow, single width road with earth banks either side.

Notwithstanding the earlier refusal and appeal decision, in accordance with The Manual for Streets, the Highway Authority has confirmed that a footway is no longer required as part of this development. In light of the Highway Officer's comments and notwithstanding the third party concerns expressed, subject to the inclusion of the recommended conditions, it is considered that the proposed development fundamentally complies with policy DM13 of the Powys Local Development Plan.

Biodiversity and Ecology

Policies DM2 and DM13 seek to protect biodiversity, protected species and habitats from harmful development.

As part of this application process the County Ecologist and Natural Resources Wales have been consulted and have provided comments on the application. Additional information was requested by the County Ecologist following initial consultation which was subsequently received by Officers. Following review of the information, the County Ecologist confirmed that sufficient information had been provided to inform an assessment which concluded that the proposed would not adversely affect biodiversity, protected species or their habitats.

In light of the comments received and subject to the imposition of the recommended conditions, it is considered that the proposed development complies with Policies DM2 & DM13 of the Powys Local Development Plan.

Impact of surface water drainage

Concerns have been raised within third party representations in relation to the drainage of surface water and possible impacts upon flooding.

Following review of the comments raised within the third party representations received together with the land drainage report submitted by the applicant, additional information was requested by the Land Drainage Authority.

Following the submission of additional information, the land drainage officer has stated that the surface water design prepared by Woodsyde Developments Limited would be deemed acceptable and would recommend that the surface water drainage disposal arrangement for the site be built in accordance with the soakaway design submitted.

In light of the comments received and subject to the imposition of the recommended conditions, it is considered that the proposed development complies with Policies DM6 of the Powys Local Development Plan.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal would have an unacceptable adverse impact on the character and appearance of the surrounding area and residential amenity. As such, it is considered that the proposed development fails to accord with planning policy and therefore the recommendation is one of refusal on the following grounds;

Reasons for Refusal

1. The proposed development would have an unacceptable adverse impact on the character and appearance of the surrounding area contrary to policies SP7, DM4 and DM13 of the Powys Local Development Plan (2018).
2. The proposed development would unacceptably affect the amenities enjoyed by the occupiers of the proposed dwelling and those of neighbouring residents contrary to policy DM13 of the Powys Local Development Plan (2018).

