

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 21/0094/OUT  
**Grid Ref:** E: 307975  
N: 316479  
**Community Council:** Llanfihangel Community  
**Valid Date:** 23.02.2021

**Applicant:** Mr Eamon Pryce

**Location:** Land Adjacent To The Cemetery , Llanfihangel-Yng-Ngwynfa, Llanfyllin, Powys, SY22 5JH

**Proposal:** Erection an affordable dwelling, creation of access, installation of treatment plant and all other associated works (some matters reserved)

**Application Type:** Outline planning

### The reason for Committee determination

The application has been 'called-in' to Planning Committee by the Local Member for Llanfihangel.

### Consultee Responses

#### Consultee

#### Received

PCC-(N) Highways

30th Mar 2021

The U2112 is constrained by its width and availability of adequate passing bays.

The Highway Authority notes that the applicant has offered no mitigation to this. It is our view that the scheme is over-reliant upon the minimal 'Informal Passing Bays' if traveling from the west towards the site of which, by virtue of their scale, siting and form, fail to mitigate the aforementioned constraints and provide satisfactory refuge for the safe passing of vehicles.

We also note that that there are no passing bays in easterly direction due to the proximity of a junction with B4382. In both instances vehicles need to reverse reasonable distance or onto a B4382 when met by on-coming traffic, including at times when rear visibility is obscured by reason of the horizontal alignment of the highway which is likely to lead to conflicts in the area of the access and junction, thus increasing the risk of collision and therefore detriment to highway safety.

The visibility at the existing junction is approximately 25m in southern direction and partially obscured by road signage and a telegraph post. No mitigation at this location has been offered. The proposed development shall generate an additional 8 - 10 daily movements through the substandard junction with B4382 which shall increase the risk of collision and is therefore detrimental to highway safety.

The access which the applicant proposes for this application is severely substandard in terms of forward visibility, width (insufficient width to allow the free flow of two-way vehicle movements), radii and is to be shared with other internal access in close proximity to the adjoining highway.

The proposed development shall generate an additional 8 - 10 daily movements through the substandard access and via U2112 which shall increase the risk of collision and is therefore detrimental to highway safety.

Perceived speeds in the area of the access are 30mph in both directions, therefore visibility splays of 43m are required. The visibility splays shown on the drawing, are drawn incorrectly and are not in accordance with Manual for Streets.

If the Local Planning Authority is minded to approve this application, we request that conditions specified below are attached to any consent given;

1. The development shall be carried out in accordance with drawing number 571/01 Rev A.
2. Notwithstanding the submitted details on drawing numbers 571/01 Rev A the Highway Authority wish the following conditions to be applied to any consent given.
3. Prior to any other works commencing on the development site, detailed engineering drawings for junction visibility improvements to the B4382/U2112 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
4. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
5. No 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 area shall be constructed to a depth of 0.4 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.

6. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. 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.

8. Upon formation of the access as per condition 6 the existing means of access as shown on drawing no. 571/01 Rev A, shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

9. The width of the access carriageway, constructed as per condition 6, shall be not less than 5.5 metres for a minimum distance of 12 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.

10. 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 12 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.

11. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than 3 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

12. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12 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.

13. Prior to any works being commenced on the development site the applicant shall construct 1 passing bay along the U2112 county highway in westerly direction at a location to be agreed in writing by the Local Planning Authority.

14. The passing bay referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

15. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 12 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.

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

17. Any vehicular entrance gates installed within the application site shall be set back at least 12 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.

Hafren Dyfrdwy

19th Mar 2021

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.

PCC-Rights Of Way Senior Manager

5th Mar 2021

Thank you for the opportunity to comment on this application.

The applicant is advised that PUBLIC FOOTPATH 227/93/1 exists adjacent to the application area which has been acknowledged on the plans.

Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The south eastern site boundary shown on the plans is in very close proximity to the footpath, therefore the applicant should note:

- o Development over, or illegal interference with, a public right of way, is a criminal

offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.

- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- o Temporary closures - The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

- o Legal Diversion - If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

#### PCC-(N) Land Drainage

No comments received at the time of writing

Natural Resources Wales (Mid Wales)  
DPAS

22nd Mar 2021

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 Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <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.

Ward Councillor

*5<sup>th</sup> March 2021 - Telephone Conversation between Case Officer and Ward Councillor;*

Ward Councillor confirmed they wish for the application to be 'called in' to Planning Committee if the recommendation from Officers' was one of refusal. Ward Councillor confirmed they were experiencing ICT issues and hence could not e-mail to confirm the 'call-in' request at the time.

*Additional Comments Received 4<sup>th</sup> May 2021;*

Emyr has asked me to send this email.

He would like to raise the above planning application before the planning committee as he feels there are some issues he would like to be discussed.

*Additional Comments Received 8<sup>th</sup> May 2021;*

I would like to bring this in front of committee as I am aware of a few issues with this application.

Community Council

16th Mar 2021

Council RESOLVED to support the application and very much recognise the local needs element of the application.

Environmental Protection

22nd Mar 2021

In respect of pre-application enquiry 21/0094/OUT, the following advice is provided on behalf of Environmental Protection:

1. The Lloyd Architecture drawing 'Proposed Dwelling (Outline)' (ref: 571/01 A), dated 11/20, displays that foul sewage from the proposed development will be disposed of to a 'Packaged Treatment Plant Biopure 2 (1-6 person)', with the treated sewage (via the package treatment plant) being piped to water course. Based on the submitted information, Environmental Protection would not have any requirements in respect of the proposed package treatment plant, with discharge to watercourse, subject to the following:

- o The appropriate exemption being registered with, or environmental permit/discharge consent being obtained from Natural Resources Wales (NRW). Prior to commencement of the development, Environmental Protection recommend that Development Control verify that NRW will allow the proposed discharge, from the sewage treatment plant, to watercourse.

- o The siting, marking, design, construction, installation and maintenance of the proposed package treatment plant must comply with Approved Document H 2010 (Wales), Section H2 of the Building Regulations. As advised in paragraph 1.57, of document H2 of the Building Regulations, the owner (of the property) is legally responsible to ensure that the system does not cause pollution, a health hazard, or a nuisance.

PCC-Ecologist

20<sup>th</sup> April 2021

Thank you for consulting me with regards to planning application 21/0094/OUT which concerns an outline application for the erection an affordable dwelling, creation of access , installation of treatment plant and all other associated works (some matters reserved) at Land Adjacent To The Cemetery Llanfihangel-Yng-Ngwynfa Llanfyllin Powys SY22 5JH.

I have reviewed the proposed plans for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 2km of the proposed development.

The data search identified 114 records of protected and priority species within 2km of the proposed development with no records found for the site itself. There are a large number of insect records given to the same grid reference approximately 180m away from site

with species recorded including Green-brindled Crescent, Small Phoenix and Buff Ermine. Starling, Dunnock, Song thrush and Fieldfare have also been recorded within 500m of the site. Badger have been recorded approximately 750m away from site.

There are no statutory designated sites within 1km of the proposed development.

There is an area of Ancient Semi Natural Woodland (a non-statutory designated site) approximately 400m to the south west of site. The site sits within a B-Lines site non statutory designation. B-Lines form a series of insect pathways across our countryside and towns which help link wildlife areas in the wider landscape.

The development proposals seek permission to create a detached dwelling within a field to the south of an existing cemetery. The development proposals will require the loss of hedgerow to create access into the site and achieve the required safety visibility splays. The proposed development plans by Lloyd Architecture reference the potential to translocate some of the hedgerow to be impacted on by the development.

I have reviewed the information available to support the proposed planning application. I note that no ecological information has been submitted to support the proposed development works. I have some concerns regarding the potential ecological impact of the scheme.

### Biodiversity Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measures could include:

- Provision of integrated bird and bat boxes including the details of the number, type and location of these boxes;
- Soft landscaping proposals which use native species and increase habitat diversity within the site boundary;
- Consideration for the creation of insect friendly grassland verges along the new visibly splays;

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary->

## Planning-Guidance-SPG

### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the proposed development. A number of nocturnal species are likely to use the hedgerows and landscape in the local area. If external lighting is proposed then 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 taking into account the recommendations identified in the BCT and ILP guidance note <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is secured through an appropriately worded condition.

### Landscaping Proposals

No landscaping proposals are proposed at present as part of the development scheme, however this could provide a good opportunity to improve the biodiversity of the development site. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme to include proposed species mixes, planting and aftercare schedules.

Where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. However, it is acknowledged that translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Tree and Hedgerow Compensation Planting Scheme is secured through an appropriately worded planning condition.

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

- Prior to commencement of development, a detailed Biodiversity Enhancement Plan identify the location, numbers and types of biodiversity enhancements shall be

submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), 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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

- Prior to the commencement of development (including site clearance and vegetation removal), a detailed Hedgerow Compensation and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

- Notwithstanding the details submitted, 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. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

## PCC-Building Control

No comments received at the time of writing this report.

## PCC-Affordable Housing Officer

10th Mar 2021

There are only 2 applicants with Llanfihangel as a first choice, one with a min bed size of 1 and one with a min bed size of 2.

There are 58 applicants that have the village as an "Other" choice:

Min bed size 1: 32

Min bed size 2: 14

Min bed size 3: 8

Min bed size 4: 2

Min bed size 5: 1

Min bed size 6: 1

## **Public Responses**

Following the display of a site notice on 2<sup>nd</sup> March 2021, a total of 1 public representation has been received at the time of writing this report, and can be summarised as follows:

- Ensure Public Right of Way is protected.

## **Planning History**

None

## **Principal Planning Constraints**

Public Right of Way  
Llanfihangel yng Ngwynfa Conservation Area

## **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
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PPW	Planning Policy Wales (Edition 11, February 2021)	National Policy
NATPLA	Future Wales - The National Plan 2040	National Policy
TAN2	Planning and Affordable Housing	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN24	The Historic Environment	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026

H5	Affordable Contributions	Housing	Local Development Plan 2011-2026
H6	Affordable Exception Sites	Housing	Local Development Plan 2011-2026
SP1	Housing Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)		Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)		Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG		Local Development Plan 2011-2026
SPGLAN	Landscape SPG		Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

## **Officer Appraisal**

### Site Location and Description

The application site is located within the Community Council area of Llanfihangel and is located to the south of the rural settlement of Llanfihangel yng Ngwynfa, as categorised by the settlement hierarchy definitions in the Powys Local Development Plan (2018). The site is located to the south of the U2112 Highway, with Llanfihangel Cemetery located to the north, the B4382 Highway to the east, and agricultural land to the south and west.

This application seeks outline consent for the erection of an 115sqm affordable dwelling, new vehicular access off the U2112 Highway, and creation of a package treatment plant. The matters reserved for consideration are appearance, landscaping and layout.

### Principle of Development

Policy SP5 of the Powys Local Development Plan 2018 sets out the settlement hierarchy and provides a definition for rural settlements. Rural settlements are not listed in the plan but are considered to be historically recognised/named settlements which contain at least 10 closely grouped dwelling. The count of dwellings should not include farmhouses rural conversions or dwellings granted for local need/affordable or agricultural/rural occupancy.

Llanfihangel yng Ngwynfa is not listed as a larger category settlement (large village or small village) in the settlement hierarchy and therefore may be recognised as a rural settlement in the settlement hierarchy if it meets the definition. The settlement has been recognised as an historic rural settlement and contains more than 10 open market dwellings that are not restricted to farmhouses, rural conversions or local needs dwellings. In addition, Llanfihangel yng Ngwynfa contains a cemetery, church, public house and community centre, with all the built development located in a grouped, linear pattern along the B4382 Highway. It is therefore considered that Llanfihangel yng Ngwynfa qualifies as a rural settlement in accordance with LDP Policy SP5. Policy H1 of the Powys Local Development Plan 2018 sets out where housing development proposals will be permitted in accordance with the settlement hierarchy. For rural settlements, housing proposals are only considered to be acceptable where the proposal is for affordable housing in accordance with policy H6 which states that it must be for a single affordable dwelling on a site which is well integrated into the settlement; or alternatively where the proposal can demonstrate that it would satisfy the criteria for the policy on dwellings within open countryside.

The proposed development is for a single affordable dwelling which is proposed to the

south of the settlement of Llanfihangel yng Ngwynfa. Policy H1 reads as follows in relation to housing development proposals in rural settlements;

*“3. In Rural Settlements:*

*i. For affordable housing in accordance with Policy H6 where the development proposal is for only a single dwelling on a site which is well integrated into the settlement; or  
ii. Where development satisfies one of the criteria set out in 4. i) - iii) below”.*

The application site would be located to the south of the U2112 Unclassified Highway, at a distance of approximately 80 metres, at its closest, from the nearest existing residential property associated with the settlement of Llanfihangel yng Ngwynfa. It is further noted there is a cemetery and county highway which separates the application site from the nearest residential properties associated with the settlement of Llanfihangel yng Ngwynfa. Officers consider that the cemetery and U2112 Highway form a boundary and logical ending to the settlement, and development further south of this point is considered would constitute development in the open countryside. Furthermore, it is noted the existing built development in Llanfihangel yng Ngwynfa follows a linear pattern, gaining access off the B4382 and U2129 Highways. Whilst this property would continue this linear development pattern, the proposal would be accessed off the U2112 Highway, which does not follow or respect the existing pattern of development in the settlement, and is considered would be unacceptably expanding the settlement into the open countryside, gaining access off a highway where no other properties within the existing settlement are accessed from.

The purpose of LDP Policy H1 requiring new housing development proposals in rural settlements to be well integrated is to ensure the settlements are not extended or expanded into the open countryside. It is considered that a dwelling at this location would extend the settlement significantly, for instance from the southern boundary of the extent of the application site to the nearest part of the curtilage of the nearest residential curtilage within the settlement of Llanfihangel yng Ngwynfa, is a distance of 108 metres, and a distance of 36 from the nearest part of the cemetery. This constitutes a significant extension of the settlement which is currently approximately 500 metres in length. Whilst the rural settlement of Llanfihangel yng Ngwynfa is considered acceptable in principle for accommodating an affordable dwelling, the location as proposed as part of this application is not considered to be well integrated into the settlement and is considered to not fulfil the requirements of part 3 of LDP Policy H1.

Consideration is now given to residential development in the Open Countryside. LDP Policy SP6 states that only housing development that complies with the national exceptions policies as set out in Planning Policy Wales and TAN 6 will be permitted in the open countryside. LDP Policy H1 states the following with regard to housing development in the open countryside;

*“4. In the Open Countryside:*

- i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or*
- ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or*
- iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8”.*

The proposal does not relate to any national policy on housing in the open countryside, does not involve the conversion of a rural building and does not relate to the renovation of an abandoned dwelling. It is therefore considered that the proposal for residential development at this location would result in unjustified development in the open countryside.

In light of the above, it is considered that the proposed development would be contrary to PPW, TAN 6 and LDP Policies SP6 and H1, and the principle of development at this location is therefore unacceptable.

#### Affordable Housing Eligibility

Policy H6 of the Powys Local Development Plan seeks to ensure that proposals for the development of affordable housing are to meet a proven, unmet local need that are of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier. The site should be solely for affordable housing and there are clear and adequate arrangements to ensure that the benefit of the affordable dwellings are secured for initial and subsequent occupiers in accordance with the requirements of policy SP3.

In accordance with the Affordable Housing SPG, in order to be eligible for affordable housing, applicants must meet the local connection and financial assessment detailed in Appendix C. The applicants have provided sufficient evidence to confirm that they would be eligible for affordable housing, meeting both the Local Connection and Financial Test. In addition, the Local Authority's Affordable Housing Team has confirmed that there is a demand for affordable dwellings within Llanfihangel.

The Local Authority's affordable housing policy and guidance restricts the floor space of proposed affordable homes to a maximum of 115 square metres in order to ensure they are affordable in nature and perpetuity. In addition, the restriction on the plot size to 0.1ha (in rural settlements) is encouraged to assist in limiting the value of the eventual dwelling, and for the same reason, the scale of outbuildings is 15sqm.

The plot size measures approximately 0.06 hectares, and it is usual practice to attach suitably worded conditions to the granting of any consent to ensure the scale of such a dwelling and any outbuilding is restricted to the parameters as indicated above.

In respect of this matter, subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

### Scale, Design and Landscaping

With respect to design specific reference is made to LDP policy DM13 (Part 1) and LDP Policy DM4 in respect of landscape impact. This policy indicates that development proposals will only be permitted where the development 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.

Design and landscaping details are reserved matters and will be dealt with at a later point in time. It is indicated however that the scale of the dwelling will be approximately 115sqm and the development is for a single affordable dwelling. It is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or surrounding landscape. This would be further considered at the reserved matters stage.

### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the LDP Residential Design SPG & LDP: DM13 (Part 11).

Given that appearance and layout of the dwelling are reserved matters and would therefore be dealt with at a later date, it is not possible to assess the impact of the proposal in terms of loss of daylight and loss of privacy. However, from the indicative layout, it is considered the site is capable of accommodating a single dwelling without causing an unacceptable impact upon the amenities enjoyed by occupiers of neighbouring properties.

In light of the above, it is considered that the proposed development complies with relevant planning policy in this respect.

### Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

The proposed dwelling will be accessed off the U2112 Highway. The Local Highway Authority are satisfied that a safe means of access can be achieved off the U2112 Highways, subject to the inclusion of a number of appropriately worded conditions regarding visibility, parking arrangements, stopping up of existing access, width of carriageway, surfacing, passing bays, gradient, surface water drainage and vehicular entrance gates. It is considered that subject to the recommended conditions from the Local Highway Authority being attached to the granting of any consent, that a safe

means of access can be achieved at the application site. It is noted that amended plans received have included the area of the junction to the B4382 and U2112 County Highway, in order to secure conditions 3 and 4 as recommended by the Highway Authority, namely relating to a junction improvement.

In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

### Biodiversity

With respect to biodiversity specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

There are no SAC's or SSSI's located within 1km of the application site, however there are approximately 6 separate areas of Ancient Woodland located within 1km of the application site. However given the scale and nature of the proposed development, as well as the distance to the above mentioned areas of Ancient Woodland, it is not considered the proposed development will cause any detrimental impacts to these areas. It is further noted that the Council's Ecologist was consulted on the proposed development and has raised no objections.

It is noted that the proposed development would impact an area of existing agricultural grazing land, a habitat which is considered to be of relatively low ecological value. However, the proposed development will impact upon an area of existing hedgerow, and the application contains limited information on how this is to be protected or managed. It is therefore considered necessary to include a condition to the granting of any consent which requires the submission of a detailed hedgerow translocation plan. Given the nature of the use of the site there is potential for external lighting to be incorporated into the development. Therefore, a condition will be attached to the granting of any consent securing the submission of an external lighting design scheme, should any external lighting be proposed. It is noted that landscaping is a reserved matter, therefore it is considered that adequate landscape planting and associated biodiversity enhancement can be secured at the reserved matters stage of the development. The Council's Ecologist also recommended the inclusion of a condition relating to a Hedgerow Compensation and Aftercare Scheme, which shall be included as an appropriately worded condition.

With respect to the above matter, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

### Drainage

Welsh Government Circular 008/2018 – 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018)', ensures that all new developments are served by an adequate

means of foul drainage arrangement.

The application proposes to connect to a packaged treatment plant. PCC – Environmental Health have commented on this proposed method of drainage and have deemed this to be acceptable at this location. It is noted that the grant of planning permission does not guarantee that an Environmental Permit will be granted, with this method of drainage requiring an Environmental Permit to be obtained from NRW. An informative note will therefore be attached to the granting of any consent highlighting to the applicant they will need to apply for an Environmental Permit with NRW.

In light of the above, and subject to the inclusion of an informative note, it is considered that the proposed development complies with relevant planning policy.

#### Llanfihangel yng Ngwynfa Conservation Area

Section 72 of The Planning (Listed Buildings and Conservation Areas Act 1990 states that, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”, which is repeated in Planning Policy Wales and TAN24. Further guidance provided in TAN 24 and its annexe Managing Conservation Areas in Wales which came into effect on 31 May 2017 and advises in section 6.4 that, “Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because local planning authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind.”

Due to the application site being located approximately 260 metres south of Llanfihangel yng Ngwynfa Conservation Area, consideration has been given to LDP Policies SP7, DM13 and TAN24: The Historic Environment.

Given the distance between the application site and the above-mentioned Conservation Area, it is considered the proposed development would not be readily visible from the Conservation Area because of this distance and the presence of existing built development. Subject to a carefully considered design at the reserved matters stage, it is considered that a dwelling at this location would not harm the historic fabric or character and appearance of the conservation area.

In light of the above, it is considered that the proposed development complies with relevant planning policy and legislation.

#### Public Right of Way

There is a public right of way which is located within close proximity of the boundary of the application site. Therefore, consideration has been given to LDP Policy SP7 – Safeguarding of Strategic Resources and Assets.

It is noted that the layout of the dwelling is not confirmed at this stage, however based on the indicative layout, it would not appear the nearby Public Right of Way would be affected by the proposed development. PCC – Countryside Services have been consulted on the proposed development and have raised no objection, subject to the inclusion of a lengthy informative note to the granting of any consent, reminding the applicant of their responsibilities regarding the public right of way. Subject to the applicant being made aware of their responsibilities regarding maintaining the right of way, it is not considered the proposed development would cause a detrimental impact upon this asset. The inclusion of this informative note is also considered to satisfy concerns raised by 3<sup>rd</sup> parties.

In light of the above, and subject to the inclusion of an informative note, it is considered that the proposed development complies with relevant planning policy.

### **RECOMMENDATION - REFUSE**

It is considered that the proposed development would be contrary to PPW, TAN 6 and LDP Policies SP6 and H1, and the principle of development at this location is therefore unacceptable.

### **Reasons**

1. The proposed development is considered to be unjustified development in the open countryside, contrary to Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and policies SP6 and H1 of the Powys Local Development Plan (2018).