

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2016/1327

Grid Ref: 309162.99 264899.77

Community Council: Llanbadarn

Valid Date: 29/12/2016
Officer: Karen Probert

Applicant: Mr Richard Lewis (MG And ES Lewis And Sons), Llwynmelyn, Crossgates, Llandrindod Wells, Powys, LD1 6RE.

Location: Land at Llwynmelyn, Crossgates, Llandrindod Wells, Powys, LD1 6RE.

Proposal: Outline - all matters reserved: Residential development of 4 dwellings and associated works.

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The site subject to this application is located on the far eastern side of Crossgates and is located approximately 20 metres from the Crossgates development boundary, Therefore, for the purposes of the Powys Unitary Development Plan (UDP) the development site is defined as open countryside.

The proposed development site is bounded to the north and east by existing agricultural land, to the south by the A44 Class I classified highway and to the west by an existing track (public right of Way 127/107/1) leading to Llwynmelyn and existing agricultural land.

Consent is sought in outline for the development of four dwellings and associated works on a parcel of land measuring approximately 0.49 hectares. All matters have been reserved for future consideration.

Consultee Response

Llanbadarn Fawr Community Council

The Community Council are opposed to the above application, because the land lies outside the current boundary of the development plan.

PCC - Highways

The County Council as Highway Authority for the County Class I Highway, A44 wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority would have no objection to the proposal in principle.

The proposed site is to be served from the A44 county highway via an existing access which is sited within the 30mph speed limit. Adequate access visibility is available and with some relatively minor geometry and surfacing improvement, it is considered that an acceptable means of access to the site could be achieved. In order to promote the sustainability of the site however, the Highway Authority would seek the provision of a 2 metre wide linking footway alongside the A44, in a westerly direction towards the garage and other local amenities, including the primary school.

Whilst it is noted that the current application has been made with all matters reserved for future consideration, the indicative layout shows the provision of four dwellings, which is a number that can be adequately served from a private access. It is clear however, that further developable land exists to the north and west and therefore future expansion cannot at this stage be ruled out.

In the absence of any restriction that would prohibit future development above this number, the Highway Authority would expect the application site to be extended in order for the existing access road to be upgraded to an adoptable standard. As and when Building Regulation Approval is granted, the Highway Authority would serve and secure Advance Payment Code road bonds.

PCC - Building Control

Building Regulations will be required.

Wales and 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.

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.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. Please ensure easement of 7.7m is maintained, 3.85m either side of the centre of the main.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC - Rights of Way

Thank you for the opportunity to comment this planning application.

The route of footpath LF107 follows the track to the west of the development area marked red, and should not be encroached upon. It must also be noted that there is a presumption against using P.R.O.W. for vehicular access unless the applicant already has a recorded public vehicular right, as set out by Government Circular 5/93 Public Rights of Way.

In the Site Layout Design (4614/SP), there are 3 points of access into the housing from the footpath; and Countryside Services would question the need for 3 separate access points, rather than 1. This is because it will increase the points where vehicles will be emerging onto the footpath and therefore encountering walker, as well as potentially increase the wear to the stone track from vehicles turning at each of these points. Countryside Services would recommend that a single point of access into the development of 4 houses is used instead of the 3 shown in the plan. With the removal of the cattle grid adjacent to the A44, being a welcome improvement to the public right of way.

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.

PCC - Land Drainage

The Land Drainage Section as The Lead Local Flood Authority would like to make the following comments:

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated in Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states that surface water is to be disposed to soakaway.

No proposed surface water drainage details or layout drawing(s) have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design.

The general soil type for the site location is described as being ‘impeded drainage’. Soakage in this type of soil structure may be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site.

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at

<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

Reason: To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

Environment Protection

Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru - Welsh Water. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows.

I hope the above is helpful but should you have any further queries then please do not hesitate to contact me.

PCC Land Contamination

In relation to Planning Application P/2016/1327 there would be no requirements in respect of land contamination..

Powys Ramblers Association

Thank you for the opportunity to comment on this application.

As with the comments submitted by Countryside Services we are concerned about the increased traffic on the right of way adjacent to the west of the development site which it is proposed should serve as the vehicular access for the new dwellings. Unless the applicant does have recorded public vehicular rights we are of the view that, in accordance with the Circular referred to by Countryside Services, the presumption should be not to use this right of way for vehicular access.

If there are vehicular rights then we agree with Countryside Services that the number of access points should be reduced to one. We also consider that in these circumstances the applicant should be required to work with Countryside Services to find a way in which pedestrians can be physically separated from vehicles from the access point back to the A44.

PCC Ecology

EIA Screening Requirement

No

The site area is understood to be 0.49 hectares and includes 4 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

Protected Species & Habitats

European Species

No ecological information has been submitted with the application. Aerial imagery indicates that the development site is currently improved grassland, bordered by a hedgerow to the east and south and a copse of trees to the north. Based on the information submitted it is understood that the hedgerows and trees would be retained.

There are historical records of otter, bat species and great crested newt within 2km of the development site, but not within its immediate vicinity. There does not appear to be any habitat that would support these species within the development site.

UK Species

There are historical records of various nesting birds, reptiles and badger within 2km of the development site. There does not appear to be any habitat that would support a badger sett within the development site. The boundary hedgerows appear to provide suitable habitat for nesting birds and possibly common reptiles.

Reasonable avoidance measures, such as sensitive timing of works and use of buffer zones, are required to avoid destroying active bird nests and harming reptiles.

Section 7 Species & Habitat

Hedgerows border the south and east of the site. There are historical records of hedgehog, hare and polecat within 2km of the development site and hedgehogs have been recorded in close proximity to it. Both hedgehog and polecat could use the hedgerows that border the site.

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

The hedgerows that border the site should therefore be retained and protected from damage during the construction phase.

LBAP Species & Habitat

See observations above.

Protected Sites

International Sites

The Afon Gwy SAC is located approximately 640m north-west of the development site. The SAC is on the opposite side of Crossgates to the development and there are no hydraulic links between the two sites. This SAC is therefore not considered likely to be affected by the development.

National Sites

The River Ithon SSSI is located approximately 640m north-west of the development site. The SSSI is on the opposite side of Crossgates to the development and there are no hydraulic links between the two sites. This SSSI is therefore not considered likely to be affected by the development.

Local Sites (within 500m)

The Maes-y-Geidfa SINC is located within 500m to the north-west of the development site on the opposite side of the A483 and would therefore not be affected.

The Tan-y-Fron Roadside Nature Reserve is also within 500m to the north-west of the development site, along the A483, and would also therefore not be affected.

Invasive Non-Native Species

Unknown

Cumulative Effect

Unknown / Unconfirmed

Summary of recommendations / further assessment or work

The boundary hedgerows are a Section 7 priority habitat and provide valuable food and shelter for a range of wildlife; they should therefore be retained and protected during the works.

Reasonable avoidance measures, such as sensitive timing of works and use of buffer zones, are required to avoid destroying active bird nests and harming reptiles.

Recommended Conditions

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

1) Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.

2) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012, and incorporating reasonable avoidance measures for nesting birds and reptiles, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

3) Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 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 the Environment (Wales) Act 2016.

4) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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 the Environment (Wales) Act 2016.

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.

Relevant UDP Policies

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 6: Sites of Regional and Local Importance

ENV 7: Protected Species

Network Rail

Thank you for your email dated 10th January, together with the opportunity to comment on this proposal.

Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Foundations

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be

no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

Drainage

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

Ground disturbance

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Access Points

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

Fencing

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

Site layout

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Excavations / Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property /

structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Signalling

The proposal must not interfere with or obscure any signals that may be in the area.

Environmental Issues

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

Landscaping

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Safety Barrier

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with

Network Rail's Asset Protection Engineers is necessary to understand if there is a problem. Developers may be asked to pay for bridge protection barriers.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges, level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contacts our Asset Protection Engineers to confirm that any proposed route is viable and to agree a strategy to protect our assets from any potential damage caused by abnormal loads. I would also advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement. In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works.

Please feel free to get in contact if you have any questions.

Representations

A public site notice was displayed on the 19th January 2017. At the time of writing this report no public representations have been made.

Planning History

None as per GIS

Principal Planning Constraints

Public Right of Way 127/107/1

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note 1 - Joint Housing Land Availability Study (2015)

Technical Advice Note 5 - Nature Conservation and Planning (2009)

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 - Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Local Planning Policy

Powys Unitary Development Plan (March 2010)

UDP SP2 - Strategic Settlement Hierarchy
UDP SP3 - Natural, Historic and Built Environment
UDP SP5 - Housing Development
UDP SP6 - Development and Transport
UDP SP9 – Local Community Services and Facilities
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Development
UDP HP6 - Dwellings in the Open Countryside
UDP CS3 – Additional Demand for Community Facilities
UDP T2 - Traffic Management
UDP RL6 - Public Rights of Way and Access to the Countryside
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 - Mains Sewerage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC1 - Access by Disabled Persons
UDP RL6 - Rights of Way and Access to the Countryside

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

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside and proposes 3 open market dwellings and one affordable dwelling. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan (2010).

Housing land supply:

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainable development:

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although the site is located in the open countryside, the site adjoins the settlement development boundary of Crossgates defined as a Key Settlement within the UDP.

Crossgates is located 3 miles (5km) north east of Llandrindod Wells, and lies at the intersection of the A483 (T) and A44. Because of the size of the settlement, the availability of services and facilities and the number of dwellings it can accommodate, Crossgates and The Fron have been classed as a Key Settlement for the purposes of the UDP. Crossgates benefits from a community centre, church, County Primary School and petrol filling station including a shop, restaurant and launderette and public toilets. Good transport links between Crossgates and Llandrindod Wells exist and Penybont rail station is located approximately 700 metres directly east of the proposed development site. Given the proximity of these facilities, future occupiers would have good access to existing facilities and services. The site is therefore considered to be sustainable.

Appearance, Layout and Scale

Guidance contained within UDP policy HP5 (Residential Development) 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.

Although this application has been submitted in outline (with all matters reserved), an indicative site layout and supporting Planning Statement have been submitted which indicate four detached dwellings with detached garages each with a shared access from the existing track located directly west. The Planning Statement indicates that the dwellings are to be 2 storey with a mix of 3 and 4 bedrooms and approximately 182 – 220 square metres in floorspace. Each dwelling is to have an approximate eaves height of between 4.7 metres

and 4.8metres and an overall ridge height of between 7.7 metres and 8.0 metres. The submitted site layout design shows considerable private garden and amenity space proposed for each dwelling together with adequate parking and garaging. The concept design shows a low density scheme.

Existing designs within the settlement of Crossgates have been considered and there are a mix of single storey and two storey dwellings using a mix of materials including brick, stone and render.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the layout provided, it is considered that the application site is capable of accommodating four 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.

Affordable Housing

Policy HP7 has been considered in relation to this application which states that the Council will seek to negotiate the provision of affordable housing on sites allocated for housing by the plan and on all windfall sites capable of accommodating five or more units – or 0.3 hectares and over.

The proposal was submitted for four market dwellings. Negotiations have taken place with the Agent who has confirmed in an email dated 10th February 2017 that the applicant is “content for one of the dwellings to be identified as affordable in compliance with your authorities’ policies”.

Subject to a condition to secure a scheme for the provision of affordable housing, it is considered that the application accords with Policy HP7 in respect of affordable housing and therefore in accordance with the UDP.

Impact on residential amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. More specific guidance is set out in the Powys Residential Design Guide.

The application site is bounded to the south by existing mature hedgerow which forms a natural buffer between the proposed development site and the A44 highway. The closest neighbour to the site known as “Homefield” is located approximately 60 metres distant in a south westerly direction. In a south easterly direction approximately 90 metres from the site lies a dwelling known as “Shady Grove”. Having visited the site, the existing mature boundary hedgerows along the southern boundary of the site will provide screening to the new development and it is therefore considered that the proposal will not unacceptably adversely affect the amenity of the neighbouring properties and therefore accords with Policy GP1 of the UDP.

Landscape and visual impacts

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 shows that the proposal will retain the mature hedgerow along the southern and eastern boundary of the site with additional tree and hedge planting proposed within the development site. Existing mature trees along the west boundary of the land in the applicant's ownership will also provide a visual screen and assist in mitigating visual impact in this area.

The site would be visible from the A44 county highway and right of way; however existing mature landscaping to the south and west will help screen any future development.

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 agricultural 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 and movement

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

The proposed development will be accessed from the A44, Class I County Highway.

Consultation with the Highway Authority has confirmed that there are no objections to the proposal in principle. The Highway Authority note that the existing access is sited within the 30mph speed limit and adequate access visibility is available and with some relatively minor geometry and surfacing improvement, it is considered that an acceptable means of access to the site could be achieved.

The Highway Authority do request in their consultee response that they would seek the provision of a 2 metre wide linking footway alongside the A44, in a westerly direction towards the garage and other local amenities, including the primary school.

The Highway comments also note that further developable land exists to the north and west of the proposed site and the Highways Authority would expect the access road to be upgraded to an adoptable standard should further development take place.

It is noted that the application is submitted as outline with all matters reserved; therefore the access and highway issues will be considered at reserved matters stage with no highway

conditions included at this stage of the process. The local planning authority cannot consider future development as part of a planning application and therefore the application as it is currently submitted accords with Policy GP4 of the UDP.

Drainage

With regard to drainage issues, the Agent dealing with the application has confirmed via email on the 23rd February 2017 that the foul drainage from the site will be connected to the mains running at the side of the highway adjoining the site.

Welsh Water have been consulted on the application and have no objections to the proposal subject to a condition being included stating that no surface water and / or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. In addition advisory notes are to be included for the attention of the applicant.

The Councils Land Drainage Officer has also been consulted and notes that the proposed site is classed as Greenfield. No objections have been raised subject to conditions being included for a scheme for the surface water drainage of the site to be submitted to and approved in writing by the local planning authority. In addition a condition is to be used to ensure that should non permeable surfacing be used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

The Land Drainage Officer notes that the foul drainage should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru / Welsh Water.

Having considered the details as submitted and having received no objections to them from Welsh Water or the Councils Land Drainage Officer, it is considered that the proposal accords with Policy DC13 and DC10 of the UDP.

Impact on Ecology

The Councils Ecologist has provided comments with regard to the proposed development.

The Councils Ecologist does not object to the proposal subject to conditions being included relating to the submission of a Biodiversity Enhancement Plan, a Tree and Hedgerow Protection Plan, a Species List for the Landscape Planting and a Lighting Scheme prior to development.

It is therefore considered, subject to conditions that the application accords with Policies ENV3 and ENV7 of the UDP.

Decision

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. 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 access, layout, appearance, landscaping 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. The development shall be carried out strictly in accordance with the documents: Planning Statement (dated December 2016), 4614/SP – site layout design, 4641/2 – site location as stamped approved.
5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
6. Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
7. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012, and incorporating reasonable avoidance measures for nesting birds and reptiles, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
8. Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
9. A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
10. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.
11. If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.
12. 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 type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 1 housing unit/bed space;
- 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.

13. Submission of reserved matters shall include contoured plans of the site and immediately adjoining land and cross sections through the site itself sufficient to demonstrate the existing and proposed levels including finished floor levels of buildings and levels and gradients of roads and driveways.

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 ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. 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.
6. 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 TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature

Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

8. 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 the Environment (Wales) Act 2016.
9. 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 the Environment (Wales) Act 2016.
10. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design
11. To ensure that no surface water runoff from the new driveway runs onto the highway.
12. The dwelling is permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).
13. In order that the Local Planning Authority can be satisfied that impact on neighbours and internal siting and gradients are acceptable in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Informative Notes

Right of Way

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.

Wales and West Utilities

The applicant's attention is drawn to the comments of Wales and West Utilities which are attached to this decision notice for information.

Highways

The applicant's attention is drawn to the comments of the Powys Highways Authority which are attached to this decision notice for information.

Land Drainage

The applicant's attention is drawn to the comments of the PCC Land Drainage Officer which are attached to this decision notice for information.

Welsh Water

The applicant's attention is drawn to the comments of Dwr Cymru / Welsh Water which are attached to this decision notice for information.

Network Rail

The applicant's attention is drawn to the comments of Network Rail which are attached to this decision notice for information.

Ecology

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.

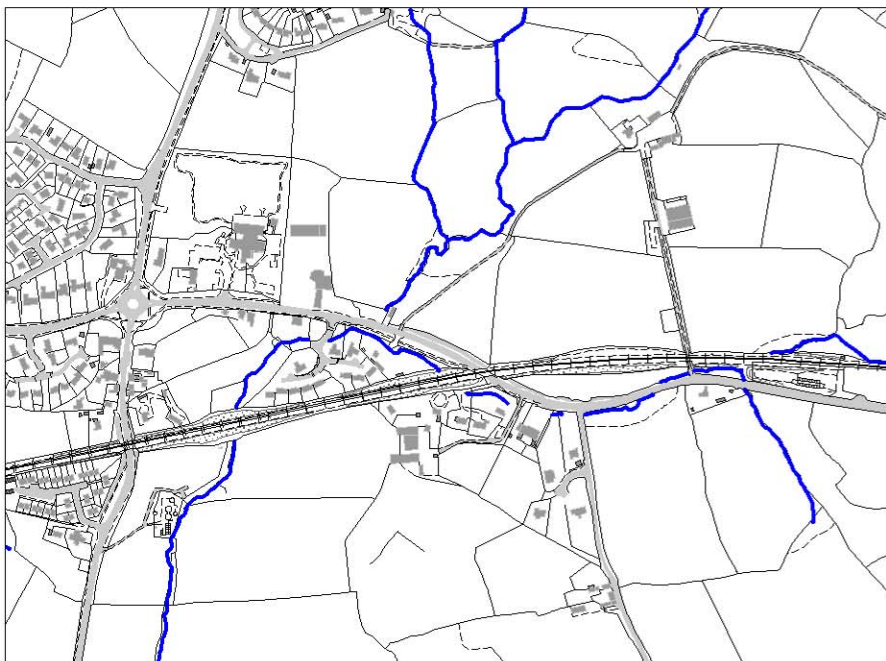
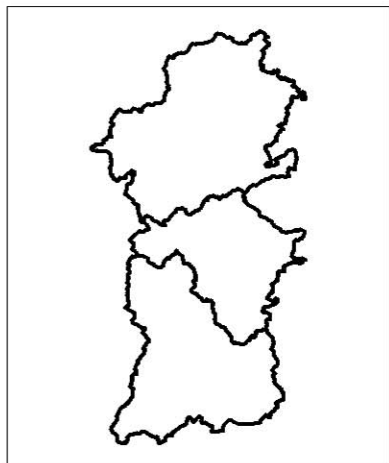
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually 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.

Building Regulations

A building regulations application may be required, please contact Building Regulations on 01874 612290.

Applicant: MG & ES Lewis & Sons

Location: Land at Llwynmelyn, Crossgates



© Crown copyright and database rights 2017 Ordnance Survey 100025371
© Hawlfraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordnans 100025371
Additional information © Environment Agency 2017
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2017
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2017
© Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2017
© Crown copyright and database rights 2017 Ordnance Survey 100021242
© Hawlfraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordnans 100021242
Additional information © Powys County Council 2017 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2017 Ni ddylid gwneud unrhyw gopiau ychwanegol heb ganiatâd y Cyngor.

