

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0217 **Grid Ref:** 277887.52 300771.99

Community Council: Cadfarch **Valid Date:** 21/02/2017 **Officer:** Kevin Straw

Applicant: Mr Rhys Lewis, Uwchygarreg, Blaen Llan, Machynlleth, Powys, SY20 8RP.

Location: Plot adjoining Brynperian, Penegoes, Machynlleth, Powys, SY20 8RP.

Proposal: Full: Erection of a dwelling, formation of vehicular access and all associated works.

Application Type: Application for Full Planning Permission.

The reason for Committee determination

The application requires a committee determination as it is recommended for approval and is a departure from the development plan.

Site Location and Description

The application site is located within the community council area of Cadfarch and is situated to the south-east of the village of Penegoes. The site is currently defined as open countryside and consists of agricultural grassland. An adjoining neighbouring dwelling is located to the west with further dwellings westwards leading into the village of Penegoes. The site is then bound by agricultural land to the east and south with the County Class III Highway, C2086 running directly to the north of the application site in which access is sought from.

The proposal seeks consent for the erection of a single dwelling with the formation of vehicular access and all associated works. The plot outlined for the development measures approximately 35 metres by 27 metres.

The proposed dwelling measures approximately 26 metres in length, 20.5 metres in width and reaches a height of approximately 6.8 metres to ridge, it is noted that the development also includes an integral garage. The dwelling is to be finished with a combination of external random coursed natural stone and white polymer render. The roof is to be provided in natural slate; with all windows and doors to be provided in aluminium frames of an anthracite colour.

Consultee Response

Cadfarch Community Council

No comments have been received at the time of writing this report.

PCC Highways

Comments received on 23/03/2017;

The County Council as Highway Authority for the County Class III Highway, C2086; Wish the following Observations be applied.

Observations

The visibility splays, as detailed on drawing 15/73 PI1, have been drawn incorrectly and do not accord with current design standards. In addition, the splays cross into land not within the control of the applicant on either side and consequently the applicant would be unable to provide the visibility splays as indicated. Whilst we are prepared to accept a reduced splay of 43 metres in each direction we must respectfully request that amended plans be submitted that clearly show the visibility splays within the red lined application site. Furthermore, we will require that the gradient, means of intercepting surface water drainage from the site and gate setback be detailed on the plans.

Additional comments received on 03/05/2017;

The County Council as Highway Authority for the County Class III Highway, C2086; Wish the following recommendations/Observations be applied.

Recommendations/Observations

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 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.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 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.

HC8 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5 metres for a minimum distance of 5.5 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.

HC21 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 for a distance of 5.5 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.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 Any septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC30 Upon formation of the visibility splays as detailed in HC4 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.

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

Reasons

To ensure the safety and free flow of traffic using the adjoining unclassified road.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

As the proposal is out of Severn Trent Waters area I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Cllr G Vaughan

Further to our telephone conversation last week, I wish to call in the above application to Committee.

The application is by a local young man, Rhys Lewis, who suffered a terrible accident and is now confined to a wheelchair. Rhys has searched the Dyfi Valley for a site that is suitable for someone of his condition, & this is the only site that he has found that meets his special requirements.

Ecologist

Planning Application Reference	P/2017/0217
Project Name / Description	for Full: Erection of a dwelling, formation of vehicular access and all associated works at , Plot adjoining Brynperian , Penegoes, Machynlleth, Powys.
Consultation Deadline	20/03/2017

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.1 hectares and includes up to 1 dwelling. Therefore, the development 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.
Ecological Information included with application	No	No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plan (ref. PL 1) and historical biodiversity records provided by the Powys Biodiversity Information Service.

		<p>The application site appears to be located within an improved agricultural field and is bounded by hedgerows to the north and west. The northern hedgerow would need to be removed to provide an adequate visibility splay for this development.</p>
Protected Species & Habitats ¹	<p>European Species <input type="checkbox"/></p>	<p>There are records of Common and Soprano pipistrelle bats from within 2km of the site, but not within the vicinity of the site itself, and no roosting features would be affected. The northern hedgerow could provide some suitable bat foraging habitat but terminates at the western end on the outskirts of the village.</p> <p>Based on the location and habitats affected adverse impacts on European protected species are therefore considered unlikely.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are records of badger and breeding bird species from within 2km of the application site. Badgers are unlikely to be affected by the development due to its location, but a variety of bird species could nest within the hedgerow to be removed.</p> <p>I therefore recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>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.</p> <p>Hedgerows are a Section 7 Priority Habitat and it appears that approximately 35m of hedgerow that borders the north of the site would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site (e.g. the new eastern or southern boundary) instead of buying and planting new stock.</p> <p>Plan ref. PL 1 indicates new trees being planted within</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>the site. I recommend that locally-occurring, native species are used and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p> <p>House sparrows have been recorded within the vicinity of the site and may use the affected hedgerow as nesting habitat. As House sparrows are a Section 7 Priority Species I recommend that suitable House sparrow nest boxes are installed within the development as a biodiversity enhancement.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See observations above.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the search area.
	National Sites ³ <input type="checkbox"/>	None within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with this application.
Summary of recommendations / further assessment or work		<p>I therefore recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>It appears that approximately 35m of hedgerow (a Section 7 Priority Habitat) that borders the north of the site would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site (e.g. the new eastern or southern boundary) instead of buying and planting new stock.</p> <p>I recommend that locally-occurring, native tree species are used as part of the indicated tree planting and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>House sparrows have been recorded within the vicinity of the site and may use the affected hedgerow as nesting habitat. As House sparrows are a Section 7 Priority Species in Wales I recommend that suitable House sparrow nest boxes are installed within the development as a biodiversity enhancement.</p>
Recommended Conditions	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan including details of hedgerow translocation, a species list for the tree planting and House sparrow nest boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> 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 Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>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.</p> <p>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.</p>

Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species
Comments on Additional Information	N/A

Document Author	Chris Jones	Approved by	Rhydian Roberts
Version	1	Approved Date	13/03/2017

Natural Resources Wales

Comments received on 16/03/2017;

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 27/02/2017.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet this requirement.

Requirement 1 – Flood Risk – Submission of a flood consequence assessment (FCA)
Flood Risk

The application site lies entirely within zone C2, as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the extreme flood outline.

Requirement 1 – Flood Risk – Submission of a flood consequence assessment (FCA)

The applicant therefore needs to demonstrate, through the submission of a flood consequence assessment (FCA), that the consequences of flooding can be managed over the lifetime of the development. In the absence of this evidence, we object to this application. In accordance with TAN15, the development category is regarded as highly vulnerable. The TAN states that such developments should not be permitted within zone C2. If your Authority is minded to approve the application contrary to TAN 15, the applicant must be required to undertake a FCA prior to determination of the application. We should then be asked for advice on this assessment in accordance with TAN15. This will ensure that all parties are aware of the risks to, and from, the development, and ensure that if practicable, appropriate conditions to manage the risks can be incorporated in any planning permission.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given under Section 7 and Appendix 1 of TAN15. Prior to undertaking a FCA, the applicant is advised to contact Sue Williams, Flood Risk Engineer on 03000 653135 or susan.m.williams@cyfoethnaturiolcymru.gov.uk for additional advice and information on preparing a FCA which is appropriate to the scale and nature of the development.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then the application should be refused in accordance with the requirements of TAN 15.

We are required to report to the Welsh Assembly Government those instances in which recommendations for refusal on grounds of flood risk, have not been accepted by Local Planning Authorities.

Therefore, if planning permission is granted contrary to our recommendation, we would be grateful if you would provide us with a copy of the Committee report, relevant Committee minutes and the decision notice.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

Any private sewage treatment / disposal facility must be installed and maintained in accordance with British Standard 6297, and Approved Document H of the Building Regulations 2000 (further details may be available from the local authority Building Control Officer). (NB Private treatment facilities are not considered environmentally acceptable in publicly sewered areas).

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional comments received on 02/05/2017;

RE: Proposed new dwelling at land adjacent to Brynpeiran, Penegoes, Machynlleth

Thank you for providing further information in the form of a Flood Consequences Assessment (FCA) (George & Tomos, proposed new dwelling at land adjacent to Brynpeiran, Penegoes, Machynlleth, dated 28/03/2017).

Before we advise the applicant/agent further regarding any further work which may be required in relation to the FCA we would re-iterate our comments in our formal response dated 07/03/2017 in relation to highly vulnerable development within zone C. As your authority is aware in accordance with TAN15, the development category is regarded as highly vulnerable. Section 6.2 of the TAN states that such developments should not be permitted within zone C2. We would welcome clarification on whether your Authority is minded to approve the application contrary to TAN 15, subject to a satisfactory FCA being received.

Should this be the case then we would be happy to advise the applicant/agent further as to our additional requirements in terms of the FCA.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional comments received on 26/05/2017;

Thank you for consulting us on the above application.

We have the following comments in relation to the Flood Consequences Assessment (FCA) (Flood Consequences Assessment for proposed new dwelling at land adjacent to Bryn Peiran, Penegoes, Machynlleth, George and Tomos, Dated 28th March).

While the FCA has highlighted inconsistencies in the flood outline in terms of levels, it has not in any way demonstrated that the site will remain flood free in accordance with Section A1.14 of TAN 15. The only way to demonstrate this would be to undertake hydraulic modelling. Hydraulic modelling would also be necessary in order to change the flood outline.

Nevertheless following a visit to the site our officer is of the opinion that with a floor level of 46.8m AOD, as proposed in the FCA, the development can comply with the requirements of TAN 15 and in this instance no further work need be carried out in terms of the FCA.

We would also advise that the flood outlines are likely to be updated within the next year or two which will hopefully provide a more accurate guide as to where flooding is likely to be an issue. In the meantime the flood outlines will remain as they are at present which means that the site will remain within the C2 zone. This could have implications in terms of household insurance.

Therefore if your authority is minded to approve the above application we would ask that the following condition be placed on any planning permission granted;

Condition: The finished floor level of the development is set no lower than 46.8m AOD

Reason: to protect the development from flooding.

Representations

Following display of a site notice on 17/03/2017 there have been no public representations made.

Planning History

None.

Principal Planning Constraints

Floodzone 2 & 3

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1: Joint Housing Land Availability Studies (2015)

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

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 - Social, Community and Cultural Sustainability
SP2 - Strategic Settlement Hierarchy
SP5 - Housing Developments
SP6 - Development and Transport
SP12 - Energy Conservation and Generation
SP14 - Development In Flood Risk Areas

GP1 - Development Control
GP3 - Design and Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 - Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the open Countryside
T2 - Traffic Management
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 - Surface Water Drainage
DC14 – Flood Prevention Measures

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Principle of Development

The application site lies wholly outside the settlement boundary of Penegoes, as detailed on inset map M183 and would result in an open market dwelling being constructed outside the settlement boundary.

It is therefore note that for the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

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.

Sustainability

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

Penegoes is defined as a large village under the UDP and benefits from a Church, Chapels, a garage, children's play area and a phone box. The village is located approximately 2 kilometres distance from Machynlleth which is located to the west. The A489 links the two settlements which afford residents the opportunity to travel into the area centre of Machynlleth, which has a full range of community services and facilities.

The application site is located approximately 12 metres from the edge of the settlement boundary of Penegoes with the neighbouring property directly to the west of the application being located partially within the settlement.

In light of the above and the appreciation that the proposed site is outside of the settlement development boundary by approximately only 12 metres and it adjoins a linear line of residential development fronting the County Class III Highway, C2086, it is considered that on balance that the site will be situated within a sustainable location.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general

character, to reflect the overall character and appearance of the settlement and surrounding area.

The design of the proposed dwelling is considered to have been carefully developed to accommodate the specific needs of the client with reference to UDP policies GP1 and GP3 as well as regard to policy DC1. The dwelling incorporates a single level accommodation to assist the applicant with their mobility around the dwelling and incorporates the specific requirements of the client to enable the dwelling to become a long-term residence. It is noted that there are existing dwellings in close proximity to the site of a single storey nature and as such it is considered a dwelling of this scale would not be out-of-keeping within the surrounding area.

The use of a combination of natural stone and render as external finish materials are considered acceptable in their use and common place for developments such as this. The use of natural slate as a roofing material is also considered to be acceptable; along with aluminium framed windows and doors.

In light of the above it is therefore considered that the proposals fundamentally comply with relevant planning policy.

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 siting of the proposed dwelling will limit the impact upon surrounding residential dwellings as the dwelling will form part of an existing row of dwellings situated to the southern side of the local county highway. The neighbouring dwelling to the immediate west is approximately 10 metres from the proposed dwelling and is of a two storey nature. It is considered that the proposed development will have limited adverse impacts upon this dwelling in terms of impacts upon loss of privacy as the principle elevations are facing out to the road at the front and out to the rear. It is considered that as the proposed dwelling is of a single storey nature the potential adverse impacts upon loss of daylight afforded to this neighbouring dwelling is minimal. It is also noted that an existing mature hedge exists on the boundary of this dwelling and the proposed site which assist in limiting adverse impacts of the proposed development further.

The neighbouring dwellings to the east and south-east are approximately 50 metres distance from the proposed dwelling and as such any adverse impacts are considered to be limited by this separation distance. The neighbouring dwelling to the north-west is screened in part by existing hedges and separated by the local county highway; this dwelling is approximately 40 metres distance from the proposed dwelling.

In light of the above it is therefore considered that the proposals fundamentally comply with relevant planning policy.

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. Plans submitted indicate tree planting which will be combined with the need to relocate sections of roadside hedgerow to accommodate vehicular visibility splays. Comments from the Ecologist indicated that they recommend that locally-occurring, native tree species are used as part of the proposed tree planting. To ensure appropriate planting is undertaken a condition will be attached to ensure correct planting species in this regard are utilised.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement and the existing surrounding dwellings, it is considered that the proposal subject to an appropriately worded condition, 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 local county highway. Initial comments from the highways officer raised concern as to the nature of the access from the road into the site and further information was requested. Following the submission of additional information in-line with the highway officers comments the officer was able to provide a series of conditions which would be required to be attached to any consent given.

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

Drainage

NRW have indicated that Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. Regard should also be given to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. Following confirmation by the applicant it is noted that the proposed foul drainage will be made via a connection to the existing mains system. To ensure that this proposed connection is of an acceptable standard a suitably worded condition will be attached to secure this element.

In light of the above this information will be included as an informative in any decision notice issued; however, to ensure that a suitable foul drainage connection is to be made a suitably worded condition will be attached to any decision notice issued to ensure that plans relating

to the foul drainage system and connections are provided. Subject to the appropriately worded condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

With respect to Biodiversity, specific reference is made to UDP policies ENV3 and ENV7. The PCC Ecologist provided comments with regard to the proposed development.

The Ecologist noted that there are records of Common and Soprano pipistrelle bats from within 2km of the site, but not within the vicinity of the site itself, and no roosting features would be affected. The northern hedgerow could provide some suitable bat foraging habitat but terminates at the western end on the outskirts of the village. Based on the location and habitats affected adverse impacts on European protected species are therefore considered unlikely.

The Ecologist also noted that there are records of badger and breeding bird species from within 2km of the application site. Badgers are unlikely to be affected by the development due to its location, but a variety of bird species could nest within the hedgerow to be removed.

The officer therefore recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The Ecologist also noted that approximately 35m of hedgerow (a Section 7 Priority Habitat) that borders the north of the site would need to be removed for this development. They suggested that any removed hedgerow is translocated to areas within the development site (e.g. the new eastern or southern boundary) instead of buying and planting new stock. They also recommended that locally-occurring, native tree species are used as part of the indicated tree planting and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.

It was also noted that House sparrows have been recorded within the vicinity of the site and may use the affected hedgerow as nesting habitat. As House sparrows are a Section 7 Priority Species in Wales it was recommended that suitable House sparrow nest boxes are installed within the development as a biodiversity enhancement.

To encompass these comments the officer recommended the inclusion of a suitably worded condition to ensure that local biodiversity is accommodated within any future development of the site.

In light of the officers comments and subject to appropriately worded conditions, it is therefore considered that the development does not have a detrimental impact upon biodiversity, and therefore fundamentally complies with relevant planning policy.

Flood zone

NRW indicate the application site currently lies within Zone C2 of the development advice maps associated with TAN15 Development and Flood Risk (July 2004) and as such confirms the site to be within the extreme flood outline.

Initial comments received raised concern as to the proposed development and additional information was sought. Following receipt of the additional information and a site visit undertaken by NRW staff their concluding comments indicated that while the FCA has highlighted inconsistencies in the flood outline in terms of levels, it has not in any way demonstrated that the site will remain flood free in accordance with Section A1.14 of TAN 15. The only way to demonstrate this is to undertake hydraulic modelling. Hydraulic modelling would also be necessary in order to change the flood outline.

Nevertheless following a visit to the site by the NRW officer they were of the opinion that with a floor level of 46.8m AOD, as proposed in the FCA, the development can comply with the requirements of TAN 15 and in this instance no further work need be carried out in terms of the FCA.

As an informative NRW stated that the flood outlines are likely to be updated within the next year or two which will hopefully provide a more accurate guide as to where flooding is likely to be an issue. In the meantime the flood outlines will remain as they are at present which means that the site will remain within the C2 zone. This could have implications in terms of household insurance.

In light of the comments received from NRW they have recommended the inclusion of a suitably worded condition to assist in safeguarding the proposed dwelling from potential flooding impact.

In light of the above and subject to the recommended condition it is therefore considered that the proposal fundamentally complies with relevant planning policy.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

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. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no's: 01 A and PL 1a)
3. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.
4. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said

carriageway and be retained at that angle for as long as the development remains in existence.

5. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 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.

6. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 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.

7. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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.

8. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This 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.

9. The width of the access carriageway, constructed as Condition 6 above, shall be not less than 5 metres for a minimum distance of 5.5 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. 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 for a distance of 5.5 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.

11. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

12. Any septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

13. Upon formation of the visibility splays as detailed in Condition 5 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.
14. No storm water drainage from the site shall be allowed to discharge onto the county highway.
15. Finished floor levels of the proposed dwelling should be set no lower than 46.8m AOD.
16. Prior to commencement of development, a Biodiversity Enhancement Plan including details of hedgerow translocation, a species list for the tree planting and House sparrow nest box locations shall be submitted to the Local Planning Authority; implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwellings or alterations to the roofs (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the Local Planning Authority.
18. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling and retained in perpetuity.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. To protect the development from flooding and avoid impact on extreme flood flow routes in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
16. 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.
17. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.
18. In order to ensure that satisfactory foul drainage arrangements are provided in accordance with policies GP1 and DC10 of the Powys County Council Unitary Development Plan.

Informative Notes

Biodiversity

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.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

Any private sewage treatment / disposal facility must be installed and maintained in accordance with British Standard 6297, and Approved Document H of the Building Regulations 2000 (further details may be available from the local authority Building Control Officer). (NB Private treatment facilities are not considered environmentally acceptable in publicly sewered areas).