

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0329	Grid Ref:	306282.14 301102.68
Community Council:	Dwyriw	Valid Date:	Officer: 24/03/2017 Dunya Fourie
Applicant:	Mr D T M Jones, Min-Y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Location:	Land adjoining Min-y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Proposal:	Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The site extends to approximately 0.50 hectare and is located to the east of the settlement development boundary of Adfa. Adfa is classified as a large village within the Powys Unitary Development Plan (UDP). The settlement consists of a linear development along the highway to the north and south, this site comprises a parcel of land which abuts the settlement boundary. The site comprises level semi improved agricultural land.

The application has been submitted in outline with access to be considered at this stage. It is proposed to construct nine detached dwellings together with a new vehicular access. The proposal includes the offer of two of the dwellings to be for an affordable local need. Indicative scales of the properties have been submitted as follows:

- Size ranges from 8-15m and 6-12m
- Ridge heights varying from 5.5m to 8.5m

Consultee Response

Dwyriw Community Council

Letter of 20 May 2017

Further to the response sent on the 28 April it has now come to the attention of the Council that some of the points made were in-accurate.

Post Office

Please could it be noted that the Post Office in Adfa is open between 8.00am and 4.30pm on a Monday and between 8.00am and 12.00pm on a Tuesday.

Bus Routes

There are currently three buses picking up in Adfa:

1. Monday - Adfa to Welshpool
2. Tuesday - Adfa to Newtown
3. Thursday - Adfa to Newtown

Letter of 28 April 2017

I am writing on behalf of Dwyriw Community Council to let you know that the Council has considered the application above and would like to make the following points:

1. A development on this scale would lead to a greatly increased number of vehicles in an area which already has limited parking and where there is already insufficient parking for the existing residents.
2. The proposed access to the site would be unsuitable as it would mean the loss of the only extra parking space for existing residents.
3. There is no direct access to the existing play area so extra dwellings would mean more children and more traffic on the main road through Adfa – which would be a potential safety issue.
4. For a development of this size the Council would expect to see provision for extra play space.
5. Services are poor in the village and there is currently only one bus a week taking people to Welshpool for a 3 hour stop and then returning.
6. The Post Office opens for just a few hours on one day a week for a small number of people to collect their pensions.
7. The local primary school in Tregynon is already close to capacity.
8. There are already Broadband speed issues for the number of people in the area; extra local usage would compound this.

The affordable housing allocation of one does not seem enough

Powys Highways

Letter of 5 April 2017

The County Council as Highway Authority for the County Unclassified Highway, U2901
Wish the following recommendations/Observations be applied

Recommendations/Observations

It is noted that access is to be determined as part of this outline application. Unfortunately, the proposed block plan does not provide sufficient detail to confirm that a safe means of access will be provided. In order to consider the application in full, we will require that amended plans are submitted that clearly identify the access road together with dimensions of the carriageway, footway and service verge for the proposed new highway. In addition, they have indicated that all surface water will be discharged to an existing surface water drain that crosses the site and who is the responsible adopting authority, This drain will need to be clearly indicated on the drawing so that we may determine whether a diversion of this drain will be necessary.

Letter of 11 May 2017

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC1 Any entrance gates 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 10 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.

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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC9 Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain 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 5.5 metres for a minimum distance of 10 metres along the access

measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC14 Any internal side-road junctions shall have a corner radii of 6 metres.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC21 Prior to the occupation of any of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for 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.

Wales and West Utilities

No response has been received at the time of writing this report.

Severn Trent

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

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with

a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

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

Powys Environmental Health

I have no objections to the application.

Powys Ecologist

Letter of 20 April 2017

Ecological information included with the application

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service.

The application site appears to be located within an agricultural field and is bounded by hedgerows to the north and east. These hedgerows would appear to be retained by the proposal.

Protected species and habitats

Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least two bat species from within 2km of the site and Great Crested Newt (GCN) from approximately 250m north-east.

No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. However, the northern and eastern hedgerows are likely to provide linear commuting and foraging habitat for a range of bat species.

Given the proximity of development works to surrounding hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

There are a number of great crested newt records in close proximity to the site and at least two ponds within approximately 250m. The aerial photographs of the site and street view images indicate that the hedgerow boundary habitat present is suitable terrestrial habitat and there is a high potential that it would be utilised by local great crested newt populations. Great Crested Newts are European Protected Species (EPS); the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order for

the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
2. That there is “no satisfactory alternative”
3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

Therefore, a Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

UK species

The boundary hedgerow to the north and east offer suitable habitat for a range of nesting bird species.

I recommend that any 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.

Section 7 species and habitat

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.

Hedgerows are a Section 7 Priority Habitat and I understand that those present within the site are to be retained. I recommend that these hedgerows are protected during the construction phase.

The proposed new planting within the site is welcomed and should consist of native, locally-occurring species.

LBAP species and habitats

See previous observations

International sites

None within the search area

National sites

None within the search area

Local sites (within 500m)

None within the search area

Summary of recommendations / further assessment or work

Given the proximity of development works to surrounding hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

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There are a number of great crested newt records in close proximity to the site and at least two ponds within approximately 250m. The aerial photographs of the site and street view images indicate that the hedgerow boundary habitat present is suitable terrestrial habitat and there is a high potential that it would be utilised by local great crested newt populations. Great Crested Newts are European Protected Species (EPS); the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

A Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

I recommend that any 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 proposed new planting within the site is welcomed and should consist of native, locally-occurring species.

Recommended conditions

Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:

Prior to planning permission, a Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

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.

Prior to commencement of development 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.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 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.

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.

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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and

Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- ☐ Deliberately capture, injure or kill a great crested newt;
- ☐ Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- ☐ Damage or destroy a great crested newt breeding site or resting place;
- ☐ Intentionally or recklessly disturb a great crested newt; or
- ☐ Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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

E mail of 25 April 2017

I was just looking through this application and I noticed that a recommendation had been made for a Great Crested Newt Reasonable Avoidance Strategy to be secured through a condition.

Given the proximity of the proposed development to known great crested newt breeding population and the nature of the proposed development i.e. a small housing development there is a potential that the proposed development would require measures to prevent harm to great crested newts that would potentially require an EPS Licence to be obtained e.g. installation of newt fencing etc. the nature of measures identified in a RAMS would not necessarily be appropriate for this site and the proposed development.

As such the requirement of a RAMS as a condition is considered to be inappropriate in this instance and further information is required prior to determination of the application – I understand from records that surveys were undertaken in 2006 therefore it is likely that update surveys would be required to inform any necessary mitigation measures and any subsequent licence application – as update surveys would need to be undertaken this will need to be addressed as a matter of urgency as the great crested newt survey season has already started.

The results of the survey and an appropriate mitigation strategy will need to be identified and submitted to the LPA prior to the determination of the application.

Representations

A site notice was erected on the boundary fence adjoining the access road to the residential development opposite the site. No decision was made regarding the suitability of the site for a continuous period of 21 days from the date of the site notice. A total of 4 letters of objection have been received and 1 letter of support.

The main points of objection are as follows:

- The development would exacerbate the existing on street parking issue at Treganol
- Adfa has limited facilities and existing services are already stretched
- Lack of public transport
- Increased traffic along the highway
- Not a large demand for properties in Adfa

The letter of support confirms they support local development where proper consideration is given to parking, amenities and local needs. The letter also states additional development strengthens the case for improved telecommunication services and allow rural villages to continue to grow and prosper.

Planning History

No recent planning history on the site

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)
Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12: Design (2014)
Technical Advice Note (TAN) 15: Development and Flood Risk (2004)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 23: Economic Development (2014)
Technical Advice Note 24: The Historic Environment

Welsh Office Circular 11/99 – Drainage

Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Cadw's Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, Part 1: Parks and Gardens (Powys)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 – Strategic Settlement Hierarchy

UDP SP5 – Housing Developments

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 ENV4 – Internationally Important Sites

UDP ENV5 – Nationally Important Sites

UDP ENV7 – Protected Species

UDP ENV14 – Listed Buildings

UDP ENV16 - Landscapes, Parks and Gardens of Special Historic Interest

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP5 – Residential Development

UDP HP6 – Dwellings in the Open Countryside

UDP HP7 – Affordable Housing within Settlements

UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries

UDP HP10 – Affordability Criteria

UDP HP3 – Housing Land Availability

UDP TR2 – Tourist Attractions and Development Areas

UDP DC10 – Mains Sewage Treatment

UDP DC13 – Surface Water Drainage

Powys Residential Design Guide (2004)

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Joint Housing Land Availability Study (2016) 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. For the avoidance of doubt, the development plan in this instance is the Powys Unitary Development Plan 2001-2016.

Principle of Development

The application is for outline consent with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form a separate application(s) for consideration at a later date.

The application site lies wholly outside the settlement boundary of Adfa. Whilst the application proposes two affordable dwellings, the remaining dwellings would be open market dwellings. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

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. 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

Adfa is classified as a large village within the Powys Unitary Development Plan. Four sites were allocated for housing development within the Unitary Development Plan (UDP); M103 HA1 (0.40ha Land adjacent to timber yard), M103 HA2 (0.44ha Land opposite Maesgwastad), M103 HA3 (0.65ha Land adjacent to village hall) and M103 HA4 (0.58ha Land opposite the Manse). In addition the UDP recognises that there may be further opportunities for infill development within the settlement and opportunities for affordable housing adjacent to the settlement development boundaries. On allocated sites it was stated that 42 dwellings would be an appropriate level of growth for Adfa within the plan period (which has now come to an end). Three out of the four allocated sites have been completed.

Representations made in response to the application have raised concern regarding the lack of services within Adfa to support additional new residential development.

Policy SP2 confirms land is allocated for development to reflect the needs and capacity of each planning area/community and principles of sustainability in accordance with the settlement hierarchy, for which 'large village' is third in the hierarchy. Adfa is classified as a large village within the UDP and has facilities including Chapel, community centre, garage, postbox, protected play area and post office. It is located on a public bus route and does connect to the A483 trunk road which allows access to Welshpool and Newtown. As such, while there are concerns regarding the lack of services and the village services becoming overstretched, the proposed development is not considered to exceed the capacity for the settlement as outlined in the UDP..

As well as contributing to the Council's housing land supply and the site being in a sustainable location, consideration must be given to other material planning considerations.

Affordable dwellings

The scheme proposes two affordable dwellings (20% affordable housing contribution). Although the UDP and Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011) requires a 30 to 35% affordable housing contribution, the evidence base for the LDP which has resulted in the written statement of the Powys LDP 2011-2026 Deposit Draft states that the target contribution required for the Adfa area (Severn Valley) would be 20%. Therefore, on the basis of this evidence, it is considered that the proposal for a 20% affordable housing provision would be acceptable.

Design and Layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst appearance, scale and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The density of the development would be 18 dwellings per hectare, the adjacent site; Treganol (HA3) has a density of 16.9 dwellings per hectare. As such the proposed scheme is found to give a balanced layout and be in keeping with the design of the surrounding area. Furthermore, it is considered that in principle the provision of nine dwellings within the application site is considered to be acceptable and of sufficient size to allow for suitable space to accommodate private amenity space per dwelling and parking areas whilst still able to maintain the privacy of all existing neighbouring residential properties.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Impact upon character and appearance of surrounding area

The application site comprises a flat parcel of land on the eastern edge of Adfa and adjoins the existing modern residential development; Treganol (HA3). The site is agricultural land which is bounded by a post and wire fence along the south and west boundary and mature hedge along the north and east boundary.

Concern is expressed over the impact of the proposed development in terms of views into the site. However, the application site is an area of pasture land that when viewed from longer to mid- range views would be viewed as an extension of the existing settlement and it would arguably provide a natural rounding off of the settlement as the site does not extend beyond the existing building line along the highway. It is therefore difficult to sustain an argument that the proposal will be particularly detrimental to the character of the settlement.

It is therefore considered that the proposal is acceptable for the scale of development proposed, without causing unacceptable harm to the character or appearance of the area. Therefore, the proposal is considered to comply with UDP policies GP1, GP3 and ENV2.

Impact upon established tourist attractions

It is noted that there are a number of public rights of way in the locality, the closest route follows the line of the western boundary of the site. Given that the proposal would be residential housing development within an area where such development is not unusual and the development of the site would not restrict the use of any right of way, it is not considered that the proposal would unacceptably adversely affect the environmental setting of the identified tourist attraction or any others in the locality in accordance with UDP policy TR2.

Highway access and parking

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking.

A new vehicular access would be constructed off the access road to Treganol, the proposed access into the site would be on the western site boundary. The access road currently serves approximately 11 dwellings and does not connect to any other vehicle routes.

Public representations have raised concern over highway safety in terms of the increase in traffic levels on a highway and exacerbate the existing level of on street parking along the Treganol access route.

Matters relating to access and parking within the site are reserved for consideration under a later reserved matters application. The highway authority who are responsible for the U2901 and Treganol access road and as such their comments are restricted to the acceptable standard of the highway junction and its intensified use. The highway authority has previously adopted the junction and as such accepts that it meets highway safety standards, they raise no objection to the intensified use of the junction.

There is an existing footway along the Treganol access road, concern was raised within representations that development of the site would not link to existing areas of public open space or facilities. The proposal is for 9 dwellings and it would be difficult to sustain an argument to secure off site improvement works to the footway network. Footways within the site would be considered as part of a future 'layout' application, in addition each site would be required to provide parking facilities in line with the CCS Welsh Standards and as such should not exacerbate on street parking.

In respect of the vehicular access to the site itself, additional traffic movements along the U2901 highway was raised as a concern within public representations. This route through Adfa connects to the wider highway network and as such it would be difficult to demonstrate that this section of road would see a significant increase in traffic from the development.

Surface water runoff is proposed to be discharged to the existing mains network, a condition of any forthcoming consent would require the location of the proposed discharge point to be shown on a plan. Severn Trent raise no objection to the proposed discharge of surface water to the mains network provided details of the scheme are submitted and approved prior to any development commencing.

It is concluded that the proposal could make adequate provision for highway access subject to the use of planning conditions relating to surface water drainage. Therefore, the proposal is considered to comply with UDP Policy GP4.

Foul sewage disposal

The submission indicates that foul sewage would be disposed of to the mains sewer. This is the preferred method of foul sewage disposal as set out within UDP Policy DC10 and Welsh Office Circular 10/99.

Severn Trent raise no objection regarding the proposed connection, however prior to development commencing, details of the connection would need to be submitted and approved by the local planning authority.

On the basis that the proposal would connect to the mains sewer and subject to an appropriately worded condition, it is considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with UDP Policy DC10.

Surface water disposal

UDP Policy DC13 requires proposals to make adequate provision for land drainage and surface water disposal. The submission states that surface water would be disposed of via a sustainable drainage system.

The site is classed as a Greenfield site, therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15. The use of sustainable drainage system or other infiltration techniques should be investigated in the first instance for surface water disposal. If sustainable drainage system are not feasible, drainage attenuation to limit the discharge rate from the site no greater than the Greenfield run-off rate should be applied. This is generally controlled via planning conditions with full details of a sustainable drainage system coming in at reserved matters stage or prior to commencement development.

In order to ensure that adequate provision for surface water drainage would be made, a condition must be imposed on any consent granted to require the submission and implementation of a satisfactory drainage scheme.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

Initial screening of the site identified great crested newt (GCN) records within 200m of the site. Following concerns raised from the Powys Ecologist an ecological report was subsequently conducted by Gerald Langley, dated May 2017. It is noted the site itself does not provide a breeding ground for GCN, however it does offer a suitable terrestrial habitat.

There is also a hedge boundary along the east and north boundary of the site, based on the indicative plan this boundary is to be retained in full and as such the consideration of impact on GCN and bats is made on the assumption this feature would remain.

Following further consultation, NRW confirmed that provided the ecological assessment is implemented in full and any forthcoming consent is conditioned where appropriate, including a construction avoidance scheme and mitigation scheme for GCN and an external lighting scheme. It is considered that the proposal would comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

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

Although it is acknowledged that the development is a departure from the development plan, the shortfall in the Council's housing land supply carries significant weight in favour of the proposal as does the provision of two affordable dwellings.

The site is located adjacent to the settlement boundary of a sustainable settlement and given the scale and location of the development, it is considered that an acceptable development could come forward.

Highway safety and ecology have been identified as matters of concern for the development, but again it is considered that the development can be appropriately managed through the imposition of conditions.

The recommendation is therefore one of approval subject to the inclusion of the attached conditions.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved. Plan references include; site location plan (6563/17/01), Proposed block plan (6563/17/03), Existing block plan (6563/17/02).
5. Any entrance gates 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.
6. The centre line of the first 10 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.
7. Prior to any other development commencing, the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the

edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

8. Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

9. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

10. Prior to the commencement of any other 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.

11. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

12. Any internal side-road junctions shall have a corner radii of 6 metres.

13. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres

14. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard.

15. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

16. Prior to the occupation of any of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

17. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

19. Prior to commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved scheme.
20. Prior to commencement of development, a lighting design scheme to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.
21. At the time of the submission of a reserved matters, a tree and hedgerow protection plan shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved details.
22. Development shall be carried out in accordance with the Newt Mitigation Plan and Method Statement as detailed in Section 8 of the Great Crested Newt Survey and Mitigation Plan conducted by Gerald Longley Ecological Consultants and dated May 2017.
23. 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 affordable dwellings or alterations to the roof (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.

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. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
6. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
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13. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
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15. This condition is imposed to control the future affordability and management of the development in accordance with policies HP9 and HP10 of the Powys Unitary Development Plan (2010).

16. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
17. In the interest of highway safety and to accord with Powys Unitary Development Plan policies GP1 and GP4
18. In the interests of highway safety and to accord with Powys Unitary Development Plan for Powys policies GP1 and GP4
19. In the interests of suitable drainage from the site and to accord with Powys Unitary Development Plan policies DC10 and DC13
20. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
21. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
22. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
23. 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.

Informative Notes

An European Protected Species mitigation licence from Natural Resource Wales will be required for development to proceed.

It is therefore an offence to:

- ☐ Deliberately capture, injure or kill a great crested newt;
- ☐ Deliberately disturb a great crested newt in such a way as to be likely to significantly

affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- ☐ Damage or destroy a great crested newt breeding site or resting place;
- ☐ Intentionally or recklessly disturb a great crested newt; or
- ☐ Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.