

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/1132	Grid Ref:	309445.76 244645.34
Community Council:	Painscastle	Valid Date:	Officer: 02/11/2016 Tamsin Law
Applicant:	Mr & Mrs B Pugh, Llandeilo Graban, Cwrt-y-Gribbin, Builth Wells, LD2 3UQ		
Location:	Church House Farm, Llandeilo Graban, Builth Wells, LD2 3YJ		
Proposal:	Reinstatement of a former dwelling to residential use, installation of septic tank, formation of vehicular access, change of use of agricultural land to form residential curtilage and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The planning application in question constitutes a material departure from the Development Plan and the recommendation is that it should be approved.

Site Location and Description

The application site is located in Llandeilo'r Graban which is defined as open countryside within the Powys Unitary Development Plan.

The application seeks full planning permission for the reinstatement of an abandoned dwelling, known as Church House. The dwelling is located to the east of Llandeilo'r Graban Church and is bound to the north and east by agricultural land and to the south and west by the adjoining highway which runs from Llandeilo'r Graban to Erwood. Erwood is a large village and is located approximately 1.5m from the application site.

The proposed reinstatement will provide a three bedroom dwelling with bedrooms and bathrooms on the first floor and a lounge, kitchen/diner, utility and shower room on the ground floor. The existing barn on site will be retained and provision will be made for off street parking. An area of agricultural land to the east of the existing barn to be retained will become residential curtilage to allow for a safe access and parking.

Consultee Response

Painscastle CC

Painscastle Community Council fully support this application

Highways

The site is approached via the U1442 county highway which is narrow over much of its length, with limited numbers of formal passing bays available; it also has poor vertical and horizontal alignment which restricts forward visibility. It is noted that the building is currently abandoned and does not appear to have been used as either a dwelling or barn for quite some time, however, should the Planning Authority consider this application to represent a continuation of an C3 use, then the Highway Authority would recommend the following conditions be applied. If however, the application represents a change of use to C3, then the Highway Authority would seek the provision of passing bays along the U1442. Likewise, should the applicant look to convert the barn at a future date, the provision of passing bays would be sought.

The applicants' attention is drawn to the detail contained on drawing number BW568 revision 6A; the drawing appears to depict the boundary wall/fence encroaching upon the highway limits. The Highway Authority seeks assurance that the boundary lines remain in their current position as any encroachment will result in enforcement under the Highways Act 1980.

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.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 12 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of that access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access 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 Within 5 days from 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 45 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 Within 5 days from the commencement of the development the area of 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.

HC9 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars as detailed on the approved drawing BW568 revision 6A. The parking areas shall be retained for their designated use in perpetuity.

HC11 Within 5 days from 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 0.3 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.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

HC21 Prior to the occupation of the dwelling the area of 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.

HC22 Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

The proposed development is crossed by a decommissioned watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Please ensure easement of 4m is maintained, 2m either side of the centre of the main.

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at **developer.services@dwrcymru.com**

Please quote our reference number in all communications and correspondence.

Environmental Health

1st Response Received

As a septic tank is to be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

2nd Response Received 12th May 2017

The percolation test result, as submitted by McCartneys in respect to the proposed septic tank installation for the above application, is acceptable.

Built Heritage Officer

No comments received by Development Management at the time of writing this report.

CPAT

1st response received 15th November 2016

Thank you for the consultation on this application.

Information retained within the Regional Historic Environment Record (HER) indicates that this application falls in an area of high archaeological sensitivity. The plot lies within the

medieval historic core of Llandeilo Graban (see <http://www.cpat.org.uk/ycom/radnor/radnor.htm> and click on Llandeilo Graban red spot for PDF download) and is located within the setting of the Grade II* listed St. Teilo's Church. The buildings are recorded on the HER as PRN 138399 (Church Farm House) and PRN 138396 (Church House Barn). The record for both buildings is very poor and their origin, dating and history of use is unknown. The house appears to have timber framed elements which may be 17th century or earlier in date and is potentially of listing quality. Nothing is known about the barn range which we assume will be the subject of a future conversion.

Works to insert a new access, parking, landscaping and a septic tank with new service connections may all impact sub-surface archaeology related to the former medieval layout of the village around the church.

The proposed development will disturb the standing building and sub-surface remains described above, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government **Planning Policy Wales** (Edition 8, Jan 2016), **Circular 60/96 - Archaeology and Planning** (Dec 96) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work together with advice on the evaluation process. Please forward these documents to the applicant so that they are fully aware of the requirements.

Please contact me if you wish to discuss the above advice or require any more information.

2nd Response Received 17th January 2017

A simple photo survey and watching brief would not be an appropriate response to the potential impact upon the archaeology in this case unfortunately. The house appears to have a complex history that we do not fully understand at this time and the potential for sub-surface archaeology within the medieval core of this settlement is unknown and needs to be tested for in advance. The building survey would probably be Level 3 to get a good

breakdown of the past phases of use and changes to the layout. The evaluation would consist of a number of trial trenches in the field to the east to assess whether any sub-surface medieval archaeology is present.

If the applicant wishes to proceed they will need a written brief from me which is then used to obtain an archaeological contractor to do the work.

Please let me know how the applicant/agent wish to proceed.

3rd Response Received 8th May 2017

We have now received a copy of the evaluation report from Archaeology Wales.

It is clear from the report that the evaluation trenches did not locate any significant archaeology and we would therefore have no issues with the exterior proposed access, parking, landscaping and soakaway proposals.

With regard to the house itself there is evidence of an earlier, possibly late 17th – 18th century, timber-framed farmhouse structure at the western end and the proposed reinstatement works should therefore take care to preserve the original historic features outlined in the Archaeology Wales report. Of particular interest are: the large inglenook fireplace with bressumer at the west end on the ground floor; the ground floor timber framed stud walls at the west end, in the north timber clad wall and around the staircase which continue to the first floor; the original lime plaster and lath and plaster walls; the fireplace with bread oven at the east end and the former copper on the ground floor; the upper floor fireplaces and chimney breasts. All of these features and the principal historic fabric of the barns (if they are to be converted at a future date) should be retained and sympathetically converted.

It is not entirely clear from the present design and access statement and the supplied drawing as proposed that these historic elements of the structure will be retained and we would wish to see confirmation of this in writing together with a detailed specification of works for each room which seeks to retain the historic features.

We therefore require this additional information from the architect/applicant to confirm that retention of key historic fabric can be achieved within this development proposal.

4th Response Received 11th May 2017

If the requirement for a detailed specification of works for each room, which seeks to preserve the key historic fabric and features of the building described in the Archaeology Wales report, could be supplied as a condition that would be fine.

Also if McCartneys can show the retention of historic features on floor plans and confirm in a statement that would be appreciated.

5th Response Received 13th June 2017

Thank you for forwarding the McCartneys plans and planning statement.

Having looked at these I am happy that the key historical features of the house will be retained and we would support the new plans as proposed. On the understanding that these measures are taken forward we would have no objection to the proposed development.

NRW

1st Response Received 26th November 2017

Thank you for consulting Natural Resources Wales (letter dated 09/11/2016) regarding the above.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Summary of Requirements and Conditions

Requirement 1 – Bats: The applicant amends the drawings to incorporate the design features for bat mitigation as recommended in our letter and described in the bat report.

Condition 1 - Bats: No external lights shall be used on the eastern elevation, all Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).

Condition 2 – Bats: Inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

Protected Species

The bat survey and method statement report submitted in support of the above application dated October 2016 by Ecology Services has identified that at least 2 species of bats, common pipistrelle and Lesser Horseshoe bats (LHB), are present at the application site.

2nd Response Received 21st December 2016

Thank you for the consulting us on the amended plans for the above proposal. We are now satisfied that requirement 1 as referred to in our letter of the 26/11/2016 has been satisfied and we have no additional comments to make.

Representations

The application was advertised through the erection of a site notice and press advertisement. No representations or objections have been received.

Planning History

No history to report.

Principal Planning Constraints

Pipeline buffer
Listed Building – Llandeilo'r Graban Church

Principal Planning Policies

National Planning Policy:

- Planning Policy Wales (Edition 9, 2016)
- TAN1 – Joint Housing Land Supply
- TAN 5 - Nature Conservation and Planning (2009)
- TAN 6 – Planning for Sustainable Rural Communities (2010)
- TAN 12 – Design (2016)
- TAN 18 – Transport (2007)
- TAN 23 - Economic Development (2014)
- TAN 24 – The Historic Environment (2017)

Powys Unitary Development Plan:

- UDP DC11 - Non-mains Sewage Treatment
- UDP ENV 14 – Listed Buildings
- UDP ENV 17 - Ancient Monuments & Archaeological Sites
- UDP ENV 18 - Development Proposals Affecting Archaeological Sites
- UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
- UDP ENV 7 - Protected Species
- UDP GP1 - Development Control
- UDP GP4 - Highway and Parking Requirements
- UDP HP12 - Renovation of Former/Abandoned Dwellings
- UDP HP6 - Dwellings in the Open Countryside
- UDP SP3 - Natural, Historic and Built Heritage
- UDP TR2 – Tourist Attractions and Development Areas

Other:

- Enabling development and the conservation of heritage assets (English Heritage)

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.

The building

The former dwelling known as Church House is likely to date back to at least the early 19th Century. The building is in a slightly dilapidated condition, however clearly has the

appearance of a dwelling and still retains features such as bread oven, fireplaces and staircases internally and window openings and a slate roof externally. The building is a substantial stone built structure and is seen in the setting of the listed Church on the opposite side of the road. Clwyd Powys Archaeological Trust has confirmed that there are records of this building on the Historic Environment Record, and that the building has local and regional architectural importance together with a high historical and archaeological value.

The proposal

The scheme put forward, seeks to restore and repair the existing abandoned dwelling and retain the existing footprint. The proposal does not seek to extensively change the external appearance of the barn with no additional openings proposed in the main building. A small existing extension to the north elevation of the building will be slightly altered to accommodate an additional window. Other alterations are on the eastern gable to provide access for bats to the bat loft and two small sun tunnels on the roof to provide additional light in to the first floor rooms.

The restored dwelling would provide largely retain the ground floor layout providing a lounge, kitchen/diner and a utility and shower room in the existing extension to the north elevation. To the first floor partition walls will be inserted to create 3 bedrooms and a bathroom.

Abandonment

The existing building is considered to be abandoned. Although there are no principles embodied in planning law assessments, there are certain cases where courts have laid down criteria to be considered when determining abandonment. The four factors relevant to an assessment of abandonment are stated below:

- 1) The physical condition of the building;
- 2) The length of time for which the building had not been used;
- 3) Whether it had been used for any other purposes; and
- 4) The owner's intentions.

Based on evidence available and having visited the site it is considered that the existing building has lost its residential use, due to its physical condition, the length of time it has not been used for residential purposes and that the owner has not looked to maintain it to a certain level.

Principle of the Development

The principal policy for the proposal, given the abandoned nature of the building is Powys unitary Development Plan Policy HP12 (Renovation of former/abandoned dwellings) which permit proposals of this ilk if they satisfy the criterion stated below:

1. THE PROPERTY SHALL POSSESS THE FUNDAMENTAL CHARACTERISTICS OF THE FORMER DWELLING INCLUDING FEATURES SUCH AS THE ORIGINAL WALLS, OPENINGS FOR DOORS AND WINDOWS AND A VISIBLE ROOFING PROFILE SO AS TO GAUGE THE ORIGINAL ROOF HEIGHT, SHAPE AND FEATURES.
2. THE DWELLING SHALL MEET A PROVEN NEED FOR EITHER:

-AN AGRICULTURAL OR FORESTRY WORKER, OTHER RURAL WORKER AS DEFINED AND IN ACCORDANCE WITH POLICY HP6; OR

-AN IDENTIFIED LOCAL NEED FOR AFFORDABLE HOUSING WHERE THE DWELLING WOULD BENEFIT FROM GOOD ACCESS TO COMMUNITY FACILITIES AND WHERE THE APPLICANT COMPLIES WITH AFFORDABILITY CRITERIA IN POLICY HP10. SATISFACTORY ARRANGEMENTS MUST BE IN PLACE TO ENSURE THE DWELLING REMAINS AFFORDABLE IN PERPETUITY AND FUTURE OCCUPANCY WILL BE LIMITED TO PERSONS COMPLYING WITH UDP POLICY HP10.

3. THE PROPOSED DWELLING SHALL BE SITED WITHIN THE FOOTPRINT OF THE FORMER DWELLING AND WOULD NOT BE OF A SCALE THAT IS INTRUSIVE IN RELATION TO THE SIZE OF THE PLOT OR THE SURROUNDING LANDSCAPE.

4. THE DWELLING SHALL BE CAPABLE OF BEING SATISFACTORILY SERVICED AND ACCESSED WITHOUT GIVING RISE TO PROBLEMS OF POLLUTION OR PUBLIC SAFETY.

5. THE DWELLING SHALL BE REPAIRED TO REFLECT THE DESIGN AND MATERIALS USED IN THE FORMER DWELLING, UNLESS IT IS POSSIBLE TO IMPROVE THE DESIGN TO BETTER REFLECT LOCAL LANDSCAPE CHARACTERISTICS AND ARCHITECTURAL STYLES.

6. THE DEVELOPMENT SHALL INCORPORATE WHERE PRACTICABLE THE HIGHEST STANDARDS OF ENERGY EFFICIENCY AND ENERGY CONSERVATION MEASURES.

Characteristics of a dwelling

The existing property is in a state of disrepair however it still retains the fundamental characteristics of the former dwelling. This includes the original walls and roof, openings, and internally fireplaces, bread oven and staircases.

Proven Need for a Rural Worker or Affordable Dwelling

The second criterion requires that the renovated dwelling must meet a proven need for a local need for affordable housing or an agricultural/forestry worker or other rural worker. The applicant is looking to provide an open market dwelling, and has attempted to justify the non-compliance of this criterion with a statement that the cost of renovation would be over and above the ability of a local need person and that it would be unviable to renovate with such restrictions. The applicant is looking for the Local Authority to consider the retention of this building which is of local and regional architectural importance and of high historical and archaeological value, outweighs the need to comply with the occupancy restrictions set out in UDP Policy HP12.

Siting of dwelling

No alterations to the building are proposed and as such the dwelling will be located on the same footprint as that currently existing on site. Whilst the proposal does seek to extend the curtilage of the site, this is to provide a safe access and parking for the site to the benefit of highway safety.

Environmental Health

The fourth criterion requires that the proposal is capable of being serviced and access without causing detrimental harm in regards to pollution or public safety. The foul sewage is proposed to be treated by a new septic tank. Following the submission of percolation tests no objections has been raised.

The application is therefore considered to be in accordance with policy DC11 of the UDP.

Highway Safety

In terms of access, the relevant highway authority was consulted as part of the planning process and raised no objection to the proposed development as it was a reinstatement of a dwelling. The Highways Authority have requested that conditions are attached to any consent and an additional condition regarding the provision of a passing bay will also be added.

As such it is considered that the proposed development fundamentally complies with Policy GP4 of the UDP.

Design

The fifth criterion stipulated under UDP Policy HP12 is that any proposal would need to be repaired to reflect the design and materials used in the former dwelling. The proposal is looking to repair and retain as much of the existing materials as possible. The proposal seeks to utilise existing openings and proposes only the addition of one window, two sun tunnels in the roof and access for a bat loft.

In light of the above considerations, the proposal broadly complies with the principle of development meeting all criterion apart from criterion 2 of policy HP12, in which the proposed dwelling is not going to meet a proven need of a local need person or a rural worker. The development is therefore considered a departure from the development plan.

Housing Land Supply

In considering this criterion consideration must also be given to Housing Land Supply. The opportunity of securing an unrestricted dwelling has arisen as the Council is unable to demonstrate a five year housing land supply. In fact, the latest JHLAS (2016) indicates a supply of only 2.2 years within the county. In such circumstances, the need to increase housing supply must be given considerable weight provided that the development would otherwise comply with development plan and national planning policies.

The housing supply is a material consideration that should be given considerable weight in the determination of this application and balanced against compliance with national planning policies as set out within Section 6.2 of TAN 1:

'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

In terms of national planning policy, Planning Policy Wales also requires developments to be built in sustainable locations. This can relate to a wide range of matters including public transport provision, access to education, employment opportunities and other services.

The Officers acknowledge that the proposal would be contrary to UDP Policies and as such this application is considered as a departure from the Powys UDP. Officers are also mindful of the recent letter published by the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system. The advice clearly sets out that Local Planning Authorities are required to ensure that development proposals are well related to the existing settlement form and do not lead to unacceptable impacts of local economic, social and environmental infrastructure.

The village of Llandeilo'r Graban is served by a church which lies opposite the application site. Whilst lying in open countryside the site is located approximately 1.5 km from the development boundary of Erwood as defined by the Unitary Development Plan. Erwood is designated as a large village and offers a number of services and access to public transport. Recent appeal decisions have stated that 2km is not an unreasonable distance to travel in rural areas to access services.

In light of the above, it is considered that the site is a sustainable location for the development of a single residential unit.

Ecology

Given the location and condition of the application building an ecological survey has been carried out on the building. Having consulted Natural Resources Wales initial concerns were raised in relation to protected species, namely bats. Following the submission of amended plans they welcomed the addition of a bat loft and access points and offered no further objection to the proposed development.

The ecological survey specified some mitigation measures that will be incorporated within the scheme and these will be conditioned accordingly. The proposal therefore is considered to be in line with UDP Policies ENV3 and ENV 7 and Welsh Government Technical Advice Note 5.

Archaeology

The Unitary Development Plan provides an understanding of the strategic direction of Powys County Council by setting out the plan's strategic vision, aims and objectives of the plan period. UDP SP3 (Natural, Historic and Built Heritage) is one of the strategic policies that provide the strategic framework for the detailed policies in part 2 of the UDP. Part B of the strategic policy states that proposed developments should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and historic interest.

This objective is also emphasised by UDP Policies ENV17 and 18, which control development from detrimentally impacting upon important archaeological sites and relevant planning conditions are attached to ensure relevant archaeological mitigation is carried out prior to commencement.

As part of the planning process, consultation was carried out with Clwyd Powys Archaeological Trust, to gain a view on the historic importance of the abandoned dwelling. Following consultations CPAT stated that the building was located on the Historic Environment Register and additional information was sought.

Following the submission of additional information in the form of amended plans detailing the retention of historic features and an evaluation report from Archaeology Wales, CPAT removed their objection subject to a condition requiring a detailed specification for each room to be submitted.

In light of the above, it has been demonstrated that the building is of high historical and archaeological importance and that it meets the requirements of Powys UDP Policies SP3, ENV17, ENV18 and TAN24.

Listed Building

Policy ENV14 states that development that would unacceptably adversely affect a listed building or its setting should be refused.

The site lies opposite the listed Llandeilo'r Graban Church. The proposed development seeks to reinstate the former dwelling and proposes little alterations to the external appearance of the building. Officers consider that the proposal has been sensitively designed to alter the building as little as possible. Following discussions with the Built Heritage Officer it is considered that the proposed development has been sensitively designed, further formal comments from the Officer will be provided as part of an update report.

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

On balance, although it is accepted that the proposed development does not comply with criteria 2 of Policy HP12, the restoration of the application building which is of a high historical and archaeological value and the lack of housing land supply is considered to carry sufficient weight to recommend approval subject to the conditions below.

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 XXXXX (drawing no's: BW568 3A, BW568 4c, BW568 6C and BW568 8 and documents; Design and Access Statement,).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) nothing in Article 3 of, or Schedule 2 to that Order, shall operate so as to permit (within the area subject of this permission) any development referred to in Part 1 of the Second Schedule to the Order and no such development shall be carried out at any time within that area without the express grant of permission by the local planning authority.

4. Prior to any works being commenced on the development site the applicant shall construct 1 passing bay in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to an adoptable standard prior to any works commencing on site.
5. 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.
6. The gradient of the access shall be constructed so as not to exceed 1 in 12 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of that access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 5.5 metres of the access 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.
8. Before any other development commences 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 45 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.
9. Before any other development commences the area of 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.
10. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars as detailed on the approved drawing BW568 revision 6A. The parking areas shall be retained for their designated use in perpetuity.
11. Before any other development commences 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 0.3 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.

12. 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.
13. HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
14. Prior to the occupation of the dwelling the area of 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.
15. Prior to the beneficial use of the access hereby permitted any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
16. Upon formation of the visibility splays as detailed in condition 7 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.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway.
18. No external lights shall be used on the eastern elevation, all Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).
19. Prior to the commencement of development a detailed specification of works detailing the preservation of key historic fabric and features of the building as described in the Archaeology Wales shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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 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.
4. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010)

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18. In accordance with policies ENV3 and ENV7 and Technical Advice Note 5 to ensure there is no impact on protected species.
19. In order to ensure that historic features are protected in accordance with Policy ENV 17 and ENV 18 of the Powys UDP.

Informative Notes

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk