

Annex A

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0719	Grid Ref:	321782.49 320221.57
Community Council:	Llansantffraid	Valid Date:	Officer: 26/07/2016 Louise Evans
Applicant:	Mr R Roberts, Land adj to Dyffryn Foel, Llansantffraid, Powys, SY22 6DG		
Location:	Land adj to Dyffryn Foel, Llansantffraid, Powys, SY22 6DG		
Proposal:	An outline application for the erection of 16 no. dwellings and all associated works with all matters reserved		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The site is approximately 0.57Ha in size and is located between the south western edge of the main development boundary of Llansantffriad and a small satellite cluster that accommodates six residential properties.

The site itself is currently agricultural land. It rises slightly from north to south and accommodates a line of mature and semi mature trees along the edge of the old railway line to the north of the site. Further to the north lies the residential estate of Dyffryn Foel with the B4394 beyond. To the immediate south of the site are the residential dwellings of Bryn Awelon and Bryn Marian and the A495 bounds the site to the east.

The application is an outline application for the development of up to 16 new dwellings. The applicant proposes that 20% of the new dwellings will be affordable. The application has been amended from first submission to accommodate site constraints and a reduced number of dwellings from 18 to 16. The description has been amended to accommodate the change.

Consultee Response

Llansantffraid Community Council

Planning application P2016 0719 land adjacent to Dyffryn Foel, Llansantffraid was discussed at a recent meeting of the above council, and the council objects to this application on the grounds that the development is not within the UDP. Also the primary school is full to capacity.

Local Highway Authority

First response

The issues I have is that they are showing 3 parking spaces in line with each other which just does not work 2 is the maximum so it would impact on the layout and the number of properties off a private drive are too many so will effect that layout. Also the main junction is directly opposite drives so I would like it to be offset so there no chance of somebody reversing out in somebody else path.

Second response

Happy with amended layout subject to David Micah being satisfied about land ownership.

PCC - Building Control

Building regulations application required.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

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

PCC - Environmental Health

First response

I note from one of the representations on the planning portal that a foul sewage drainage field is located within the application site. If this is the case the Building Regulations state that all buildings should be sited at least 15 m from a drainage field and that no roads, driveways or paved areas should be located on top of a drainage field.

Second response

The amended site plan has taken into account the presence of the septic tank and drainage field for Brynawelon, designating the area public open space. The development itself is to connect to the mains foul sewer. I therefore have no further comments to make.

Contaminated Land Officer

Historic Ordnance Survey (OS) maps (1891, 1903 and 1954) identify that a railway line formerly occupied the Northern part of the application site.

Land associated with railways has the potential to be affected by land contamination; the Department of the Environment 'Industry Profile: Railway Land' (1995) document provides information concerning the potential contaminants of concern.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' advises:

"responsibility for determining the extent and effects of instability or other risk remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

Based on the land use history of the application site and the sensitivity of the proposed development (residential) it is recommended that the following Condition and Note to the applicant are attached to any permission granted for Planning Application P/2016/0719:

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012.

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. *The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.*

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy _____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

PCC - Affordable housing

No response received.

PCC - Ecologist

EIA Screening Requirement - No

Protected Species & Habitats

European Species

The Ecological Report by Arbor Vitae Environment (04/07/16) concluded following the site visit that there was no evidence of Great Crested Newts. It was found that the hedgerows and trees could be used by foraging and commuting bats and nesting birds. Recommendations in Section 6 of the Ecology Report include a Lighting plan, bat boxes and enhancement planting of a belt of trees and shrubs along site boundary at its western end and along former railway track to provide increased habitat connectivity.

NRW consultation response 15.08.16 impose two conditions on the scheme:
Condition 1; To protect bats from light disturbance and to create ecological enhancements, recommendations from Section 6 of the ecological report should be implemented and included in the detailed design.

Condition 2; To preserve flight lines and particularly the retention of trees along the railway, appropriate root protection zones must be identified and fenced off during construction to avoid damage to retained trees. This would guarantee the retention of these valuable wildlife corridors.

UK Species -

The Ecological Report by Arbor Vitae Environment (04/07/16) concluded that there was no evidence of badgers at this site.

Although disturbance to breeding birds will be negligible, the ecological report recommended that the opportunity is taken to improve the habitat for birds. This can readily be achieved through installation of nest boxes in the trees along the edge of the site.

Sect. 42 Species & Habitat -

See Protected Species above.

LBAP Species & Habitat -

See Protected Species above.

Protected Sites –

International Sites (within 2km) -

There are no International Protected Sites within the 2km search area.

National Sites (within 500m) –

There are no National Sites within the 500m search area.

Local Sites (within 500m) –

There are no Local Protected Sites within the 500m search area.

Invasive Non-Native Species –

No

The report by Arbor Vitae Environment did not identify any invasive species on the site.

Cumulative Effect –

Unknown / Unconfirmed

Summary of recommendations / further assessment or work:

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

The recommendations in Section 6 of the Ecological Report Arbro Vitae Environment 04/07/16 regarding Bats, Hedgerows Breeding Birds lighting, and Ecological enhancement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Hedgerow and Tree Protection Plan and Planting Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Relevant UDP Policies

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 7: Protected Species

TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Additional Information

- NRW consultation 15.08.16 Site Plan as proposed Land adjoining Dyffryn Foel, Llan RPP/RC-JOB 33-03

PCC - Land Drainage

First response

In response to your enquiry regarding the above mentioned application, the LLFA would make the following comments/recommendation.

Land Drainage / Flood Risk

Comment: The Authority holds no historical flooding information relating to the site. However, it is noted from the surface water flood mapping we hold there is a flood risk to part of the site. The same flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a high chance of flooding from surface water. Development should not be permitted within an area of high risk flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

Recommendation: The surface water flood risk identified on NRW's flood risk mapping should be appropriately assessed prior to the granting of any permission.

Surface Water Run-off

Observation: No surface water drainage details/drawing(s) or an indication to how the impermeable areas within the proposed application site are being drained/disposed, have been submitted.

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

The use of soakaways and or other infiltration techniques should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be

designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site no greater than the Greenfield run-off rate shall be applied. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change and will not cause flooding either on site or elsewhere in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

No surface water run-off shall flow onto the existing public highway.

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

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

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

Second Response

I note Richard's response.

Can I suggest the recommendation include 'land drainage', i.e. No development shall commence until a scheme for the surface water *and land drainage of the site* has been submitted.....

NRW

Thank you for referring the above consultation received by us on 28th July 2016. We note the location is candidate site 694 that has been submitted for consideration in the Powys Local Development Plan (LDP). However, as the LDP has not yet been adopted the candidate sites will not necessarily be carried forward as development sites.

If any of the details submitted with this outline planning application are amended (e.g. the proposed drainage arrangements) at the reserved matters stage the Local Planning Authority may be required to re-consult NRW.

We do not object, provided you ensure that the following elements of the proposal are conditioned:

Summary of Requirements

Condition 1 - Recommendations from section 6 of the ecological report should be implemented and included in the detailed design

Condition 2 - Root protection zones for trees during construction to preserve flight lines for bats Protected Species – Bats

We have considered the Extended Phase 1 Habitat Survey by Arbor Vitae. We advise that the recommendations from section 6 of the report should be appropriately conditioned by the LPA.

Condition 1 - Recommendations from section 6 of the ecological report should be implemented and included in the detailed design

Reason: To protect bats, a European protected species, from light disturbance and to create ecological enhancements.

The proposed block plan shows the retention of some of the trees along the railway embankment, these trees provide fundamental flight lines for bats of which we have several records in the vicinity of the proposal. Appropriate Root Protection Areas (RPA) must be identified and fenced off during construction to avoid permanent damage to any retained trees and to guarantee the retention of these valuable wildlife corridors.

Condition 2 - Root protection zones for trees during construction

Reason: To preserve flight lines for bats, a European protected species.

Former Railway

We note that the site has an old railway running along the northern boundary of the site and that this location is where the road for the development will be placed. We therefore request the following informative be imposed on any planning permission granted.

Informative/ advice to LPA

Natural Resources Wales considers that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed. GPLC can be downloaded from the Environment Agency website.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult the Natural Resources Wales.

Flood Risk

The site is not located within a flood plain or near a main river. The site is partly in the surface water flooding extent and we note that the Design and Access Statement has not made any reference to surface water control.

The proposal should be subject to further consideration by the LLFA and the applicants consultant to establish that if any surface water drainage from this site is to be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) then that such discharge will not cause or exacerbate any flooding in this catchment.

Foul Drainage

We note that foul water disposal will be to mains sewer as stated in section 3.5 of the Design and Access Statement. When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Wherever practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into the design with the reserved matters application and we note that the intention to do this has been stated in section 5.1 bullet 7 of the Design and Access Statement.

Scope of NRW Comments

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

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

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Second response

Thank you for referring the above consultation received by us on 28th September 2016. We previously responded to this case on 15th August 2016 (Ref: CAS-21672-Y7N8) when we did not object subject to conditions.

The amended plan shows a different layout and appears to include more trees along the access road. However, I understand that at the outline stage this plan is still indicative and may be subject to further change. We re-iterate our previous advice as given on 15th August 2016 (Ref: CAS-21672-Y7N8)

PCC - School Services

I refer to the above-mentioned residential development of 18 dwellings on land adjacent to Dyffryn Foel, Llansantffraid, and am writing to request a s106 financial contribution towards primary education provision at Llansantffraid C in W Aided School.

The current capacity at Llansantffraid Primary School for Reception to Year 6 pupils is 97. In January 2016 there were 100 Reception to Year 6 pupils on roll plus 26 Nursery aged pupils, a total of 126 pupils. However, with the change to the age of admission from September 2017 the capacity in relation to Reception to Year 6 year groups will increase to 102. Due to the fact that the school delivers education in 4 mixed age classes pupil number projections for the school show that Reception to Year 6 numbers will rise to 105 by January 2019.

Regarding the possibility of pupils from this development attending Llanfechain C in W School, although there is surplus capacity at the school the Authority would have to provide home to school transport at an annual ongoing cost of between £25,000 and £35,000 per annum.

A development of 18 dwellings is projected to generate 4 primary aged pupils and based on the Authority's formula for calculating the planning obligation gain a figure of £53,937 towards primary school provision at Llansantffraid Primary School is requested in respect of this development. The Authority has already received previous S106 funding for education provision at Llansantffraid which has yet to be utilised and it would be our intention to utilise the previous S106 and current S106 monies, if awarded, to extend the school by a single classroom.

In submitting this s106 bid the Authority will consider not just the planning application for this site but any further building proposals brought forward in the Llansantffraid Primary School catchment area.

PCC - Outdoor Leisure & Recreation

Outdoor Recreation Services would ask for a Section 106 contribution. Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the local community council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Service's usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.
All private housing up to three bedrooms is £ 1000.00 per property.
All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

Representations

Objections have been received from 7 members of the public.

The grounds for objections are summarised as follows.

Ecology and biodiversity

- Removal of 15 mature trees including oaks
- Impact to the natural flight path of bats
- The proposed dwellings will emit light which will impact bats
- Tree planting in development schemes is unsuccessful – existing trees should be retained.

Environmental concerns

- Future possible flood impact with loss of trees and developing in a risk area.

- Residents have witness the flooding that occurs along the former railway line.
- Impact on private septic tank with an easement.
- Existing roads are unable to accommodate the construction vehicles that will be associated with this development.

Amenity

- The development will cause disruption to existing residents
- It will impact the views and devalue properties.
- Increased footfall along the B4393 will impact on the privacy of those living on Dyffryn Foel.

Social concerns

- The development is proposed outside the development boundary
- Other developments in the village are unfinished and housing is slow to sell
- The development will exacerbate strain on public services

Planning History

None on the site.

Principal Planning Constraints

A495 and B4393

Septic tank on site

Surface water flood risk

Principal Planning policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

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

Technical Advice Note 2 - Planning and Affordable Housing (2006)

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

Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 - Development in Flood Risk Areas (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 - Economic Development (2014)

Local Planning Policy

Unitary Development Plan for Powys (2010)

UDP SP2 - Strategic Settlement Hierarchy

UDP SP3 - Natural, Historic and Built Environment

UDP SP4 - Economic Development and

UDP SP5 - Housing Development

UDP SP6 - Development and Transport

UDP SP9 – Local Community Services and Facilities

UDP SP14 - Development in Flood Risk Areas

UDP GP1 - Development Control
UDP GP2 – Planning Obligations
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Development
UDP HP6 - Dwellings in the Open Countryside
UDP HP7 - Affordable Housing within Settlements
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
UDP CS3 – Additional Demand for Community Facilities
UDP T2 - Traffic Management
UDP TR2 - Tourist Attractions and Development Areas
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 - Mains Sewerage Treatment
UDP DC13 - Surface Water Drainage
DC15 – Development on Unstable or Contaminated Land

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide

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.

Outline Application

The application is for outline consent with all matters reserved. Should permission be granted, reserved matters (access, appearance, landscaping, layout and scale) will form separate applications for consideration at a later date. The plans to be considered in relation to this application are:

Location Plan RPP/RC-JOB33-01

Site Plan as proposed (indicative layout) RPP/RC-JOB33-03 A

Principle of Development

The proposed development lies wholly outside the settlement boundary of Llansantffriad Ym Mechain, as detailed on inset map M165, and would result in up to 16 dwellings being constructed outside the settlement boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and this states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.'* Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policies HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply 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 light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys does need to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other

policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable Location

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

Llansantffraid is considered a key settlement in the UDP. Whilst key settlements do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area.

It is noted that the settlement of Llansantffriad is served by a church, chapel, primary school, football club and ground, public houses, shops, garage, doctor's surgery, community centre, veterinary surgery and industry. It is also noted that it is served by bus routes with regards to public transport.

In light of the above, the site is considered to be a sustainable due to the amenities and services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing provision

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

The Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) states that our starting point for affordable housing provision on schemes of more than 5 dwellings should be 30-35%. However, the Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic "guideline" figure contained within the UDP and on that basis, the 20% provision figure suggested is considered to be reasonable in this instance.

The applicant is prepared to accommodate a 20% provision of affordable housing which will be controlled through a section 106 agreement. In light of this, the proposal is considered compliant with the principle of policy HP7.

Impact on historic environment

Listed buildings:

The general duty with regards to listed buildings in exercising planning functions is set out within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in UDP policy ENV14.

There are no listed structures immediately adjoining the development site but there are a number of listed features within the settlement of Llansantffraid. Although this is acknowledged, the development is not considered to impact these assets either directly or indirectly.

Conservation area:

The Llansantffraid conservation area is within close proximity to the application site. Special attention must be given to the desirability of preserving or enhancing the character or appearance of the conservation area under section 72(1) of the Planning (Listed Buildings and Conservation Areas) 1990.

Although the proposed development will be visible from parts of the conservation area and would affect views into the conservation area, these views would be at some distance. In addition, existing built form intercepts these views. Taking into account these factors, it is considered that proposal would not significantly detract from the character or appearance of the conservation area in accordance with UDP Policy ENV11.

Ancient monuments:

The desirability of preserving a scheduled ancient monument and its setting is a material consideration in determining a planning application whether the monument is scheduled or not. This is set out in Planning Policy Wales and Circular 60/96. UDP policies ENV17 and ENV18 also set out this consideration at a local level.

It is noted that Soldier's Mount (MG116), a scheduled ancient monument, is located approximately 300 metres north west of the application site. However the development is considered to have limited indirect impact, given the existing surrounding development, and no direct impact upon this feature.

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 design 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 indicative layout resembles a modern residential layout which is broadly comparable to the existing modern development seen in the settlement. More importantly it shows that up to 16 dwellings could be accommodated on the site at a density of 27 dwellings per hectare. Building densities in rural areas are often low but in order to make efficient use of land, densities will need to be increased. 27 dwellings per hectare is the figure that is being promoted by the Planning Policy team for use in the Local Development Plan for towns and large villages and thus is considered to be appropriate in this instance.

Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement.

Overall a mix of two, three and four bedroom properties over two storeys are detailed within the scheme and this is considered to be appropriate.

Impact on residential amenity

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

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting and orientation.

The most sensitive location for the development regarding this matter will be along the southern boundary of the site where it adjoins existing residential developments of Bryn Awelon and Bryn Marian. Both of these dwellings are elevated above the application site but Bryn Marian in particular is orientated towards the proposed development. The indicative layout does show the closest properties orientated so that Bryn Marian will front their flank elevations and the reserved matters application could ensure that these elevations are devoid of windows to avoid overlooking. It is therefore considered that appropriate levels of privacy could be achieved.

In relation to amenity more generally, it is noted that the indicative layout demonstrates that the proposed dwelling will be approximately 10 metres from Bryn Awelon and Bryn Marian at their closest points. This accords with the advice set out in the residential design guide.

The existing properties on Dyffryn Foel are approximately 55 metres from the proposed dwellings which is considered ample separation to ensure that amenity can be maintained.

Clearly, the layout at this stage is indicative and full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available. However, it is considered that the proposal is capable of according with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide so far as it relates to residential amenity.

Landscape and visual impacts

UDP Policy ENV2 states that proposals should *'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'*. It goes on to state that proposals which are acceptable in principle should *'contain appropriate measures to ensure satisfactory Integration into the landscape'*.

The site occupies an infill site between the main developed area of Llansantffriad and a small cluster of existing residential units. In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the River Severn Floodplain (MNTGMVS650) which has a moderate evaluation and adjacent to Llansantffriad Ym Mechain VSA (MNTGMVS662) which also has a moderate classification. The area is characterised by a *'Relatively dispersed linear settlement without a distinct centre, based along the A495. Typified by modern infill/suburban style development with a few traditional style key buildings towards the geographical centre of the village.'* LANDMAP sets out the principal recommendations as *'Further development would benefit from enhancement with tree cover and greater definition of boundaries with hedgerow and trees, and should reflect existing field patterns in order to integrate into the existing landscape character'*. The proposed development has the potential to meet such objectives which could be secured at the reserved matters stage.

Whilst the site would be visible from public vantage points and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location adjacent to existing residential properties, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact and the proposed scale of the development is considered to reflect the character of the development that has occurred within Llansantffriad, it is considered that a satisfactory detailed design could come forward to reflect the vernacular character and appearance of the settlement and surrounding area.

Impact on highway network and parking arrangements

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is indicative at this stage but is shown to be provided off the Dyffryn Foel estate road from the B4394.

Following the amendments to the indicative layout, the Local Highway Authority are satisfied that the development will not be detrimental to highway safety. Access is a reserved matter and full details of the scheme will be considered at the later stage.

Sewage disposal

The application details that the site will be served by mains systems in respect of the disposal of foul waters. The proposed use of mains sewerage disposal is compliant with UDP policy DC10.

Severn Trent Water have confirmed that they do not object to the proposed development subject to conditions relating to the agreement of surface and foul water drainage plans and have not raised concerns about the capacity of the system.

It is therefore considered that proposal in this regard is acceptable subject to conditions which have been attached at the end of this report.

Surface water drainage and flood risk

The application site is within Zone A of the TAN15 Development Advice Maps (areas not at risk of flooding). However, the site is partly in the surface water flooding extent as detailed on NRW mapping. Additional information has been received from the agent to indicate that there are means for appropriately attenuating the site which have been considered by the council's Land Drainage Engineer and who has confirmed that the detail of the matter can be controlled via planning condition prior to the commencement of development. The condition is detailed as suggested at the end of this report.

Impact on 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 and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The application is supported by an extended phase 1 habitat survey which concludes that the two notable features of the site are the existing treeline along the northern boundary and the hedgerow along the roadside.

The plans indicate that the existing treeline will be removed to facilitate the creation of a roadway but that there will be the opportunity for additional tree and hedgerow planting within the development. Full consideration of this matter will also take place at the reserved matters stage and it is not considered that any individual trees need to be the subject of tree preservation orders at this time.

The roadside hedge will not be altered by the scheme.

Consultation with Natural Resources Wales and the County ecologist have resulted in conditions being suggested which are considered to be reasonable. The conditions are attached at the end of the report.

Planning obligations

Planning Authorities are permitted to seek planning obligations from developers of land in accordance with Circular 13/97. Development Management has consulted the Education Department and the Recreation Officer to see whether any planning obligations are necessary to serve the development.

In respect of recreation provision, it is noted that the plans detail an open space area in excess of 400 sq.m to serve the development. In accordance with the 6 acre standard, it is suggested that this area is equipped and the proposed section 106 agreement will ensure the provision and long term maintenance of this.

In respect of education, it is noted that the School Services have requested a contribution from the developer to serve the existing school in Llansantffriad that is over capacity. It is noted that previous developments have secured some funding and together with the proposed funding, it will enable the provision of an additional classroom. The figure suggested is £53,937. As this matter is still under negotiation with the agent, it is suggested that it be delegated to the Lead Professional for Development Management to negotiate a contribution that is appropriate to the development proposed.

Recommendation

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. The proposed development is for the provision of 16 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

It is recommended that the application be approved subject to the conditions set out below and subject to the applicant entering into a Section 106 agreement to secure the following:

- Provision of affordable housing
- A management agreement for on-site open space/play area (to secure provision, retention and maintenance).
- Education contribution

Conditions

1. Details of the access, layout, appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. A scaled plan showing the location of the affordable residential units shall be submitted to the Local Planning Authority at the same time as the other reserved matters referred to in Condition No. 1.
5. An affordable housing phasing statement detailing the precise phasing (completion details) of the affordable units proposed shall be submitted for approval at the same time as

the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme.

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. The development hereby permitted must be served by the public foul sewerage system (mains) prior to the occupation of any of the units.

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

9. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and the WLGA document '*Development of land affected by contamination: a guide for developers*' 2012 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

10. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and

site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 9 has been received from the Local Planning Authority.

11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. *The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.*

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

13. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

14. The recommendations in Section 6 of the Ecological Report Arbro Vitae Environment 04/07/16 regarding Bats, Hedgerows Breeding Birds lighting, and Ecological enhancement shall be adhered to and implemented in full.

15. Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Hedgerow and Tree Protection Plan and Planting Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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. In order to identify the affordable residential unit, in accordance with Policy HP7 of the Unitary Development Plan (2010).
- 5 & 6. In order to ensure the provision of affordable housing in accordance with Policy of HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.
8. To ensure that the proposed surface water drainage system for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 9 to 13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policyDC15 of the Powys Unitary Development Plan.
14. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
15. 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 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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