

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0295

Grid Ref: 303053.1 309313.75

Community Council: Llanerfyl

Valid Date: 16/03/2017
Officer: Eddie Hrustanovic

Applicant: Miss Melany Price, Caddis Corner, Llanerfyl, Welshpool, Powys SY21 0HZ

Location: Land Adjacent to Ysgol Gynradd Llanerfyl, Llanerfyl, Welshpool Powys SY21 0HZ

Proposal: Full: Erection of a dwelling and garage, creation of access and all associated works (part retrospective)

Application Type: Application for Full Planning Permission

The reason for Committee determination

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

Site Location and Description

The site is located approximately 142 metres to the south of the development boundary of Llanerfyl and it is adjacent to Ysgol Gynradd Llanerfyl. Access is gained off the C2031 class three highway. Llanerfyl is classified as a small village within the Powys Unitary Development Plan with the information supplementing the inset map stating that there may be opportunities for affordable housing adjacent to the settlement development boundaries.

This application is in respect of the erection of a dwelling and garage and has been submitted in full. It is important to note that this application is resubmission of a recently approved application for dwelling and a garage; however the consented development was approved under Powys UDP Affordable Dwellings policy. The construction of the consented development has commenced, however it has ceased now due to the applicants financial difficulties. The current application is now seeking consent for an open market dwelling (without Affordable Occupancy restriction as originally approved under P/2014/1142 application).

The dwelling would be set within an existing field being some 20m back away from the adjoining highway. The proposal would be a 3 bedroomed detached dwelling with a detached double garage. The approximate dimensions are 8.7m in length, 11.6m in width with a maximum ridge height of 8.6m and 42m² decking at the rear. The garage measures 8m in length, 7m wide and 6m in height. The accommodation would comprise a kitchen, dining area, lounge, lobby and WC on the ground floor and 3 bedrooms, one ensuite and a bathroom. The internal gross floor area measures at approximately 130m². The dwelling would be externally finished in stone with natural slate roof tiles and the fenestration and

doors would be aluminium clad timber. The roof will also incorporate a single line of PV panels along the southern roof pitch.

The first 10m of the access shall be tarmac and the remainder of driveway and turning area would be laid with crushed stone.

Landscaping will include indigenous trees and plants within the curtilage and the existing vegetation around the boundary of the site shall remain. The only exception is that small section of the hedgerow either side of the access will be required to be removed in order to achieve highway visibility.

Consultee Response

Llanerfyl Community Council

Llanerfyl community council had no objections to the amendment

PCC - Highways

Please attach the following conditions:-

HC1 Any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.

HC2 The gradient of the access shall not exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

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 0.26 metres above ground level at the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter

and leave the site in a forward gear. The parking areas shall be retained thereafter and the turning areas shall be maintained at all times free from obstruction.

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway.

HC30 The centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay.

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC - Environmental Health

As the dwelling will be connected to the mains sewer I have no objection to the application.

Representations

Following display of a site notice, no public representations have been received.

Planning History

P/2015/0745 - Reserved Matters application for access, appearance, landscaping, layout & scale in connection with proposed dwelling & garage. Consent

P/2014/1142 - Outline application for a affordable dwelling and garage – Consent subject to a s106

Principal Planning Constraints

None

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)

Local Planning Policies

Powys Unitary Development Plan (2010)
SP2 – Strategic Settlement Hierarchy
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
HP6 – Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP10- Affordability Criteria
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Principle of Development

The site is located approximately 142 metres to the south of the development boundary of Llanerfyl and it is adjacent to Ysgol Gynradd Llanerfyl. Llanerfyl is classified as a small village within the Powys Unitary Development Plan with the information supplementing the inset map stating that there may be opportunities for affordable housing adjacent to the settlement development boundaries.

This application is in respect of the erection of a dwelling and garage and has been submitted in full. As noted above it is important to note that this application is resubmission of a recently approved application for a dwelling and a garage; however the consented development was approved under Powys HP8 (Affordable Housing Adjoining Settlements with Development Boundaries) policy. The said policy enables favourable consideration to proposals for affordable housing where the site adjoins a settlement with a development boundary, where the proposal is small in scale, well located and sensitively designed. In order to ensure that such properties remain affordable in perpetuity, the policy requires developers to enter into a section 106 agreement with the council.

In this instance the construction of the approved dwelling had commenced, however it had to cease due to the applicants financial difficulties and inability to gain a mortgage to finance the construction of the affordable dwelling. Therefore, the current application is now seeking consent for an open market dwelling (without Affordable Occupancy restriction as originally approved under P/2014/1142 application). It is also important to note that the principle of a dwelling at this location has already been established by granting the outline and reserved matter applications. Therefore, a further consideration is required in respect of the unrestricted dwelling, instead of affordable unit on the same site.

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 village is served by a church, primary school, community centre, garage/local shop. It is also served by a bus route. In light of the above, it is considered that the site is a sustainable location for the development of a single residential unit.

Siting, visual impact and design

Llanerfyl is classified as a small village within the Unitary Development Plan. The village has two separate development boundaries with the southernmost development boundary which encompasses the village workshops and the housing estates of Maesyllan and Maes Menial.

The proposed site is located some 142 metres from the development boundary, however, it is located close to the boundary of the playing fields associated with the primary school. The primary school is not located within the settlement development boundary either. Taking into account the nature of the locality and the location adjacent to the school, it is not considered that the proposed and previously consented development would appear detached from the settlement and would not appear as an isolated form of development which the national and local policies seeks to avoid. Overall, it is once again considered that the proposal site reasonably relates to the settlement of Llanerfyl.

The group of buildings adjacent to and including Pentre and the nearby school are noted to be stone. The dwelling is proposed to be stone thus in keeping with the character of the area which is welcomed. Taking into account the impact upon the character and appearance of the surrounding area, the scale and design of the dwelling are considered acceptable. The proposal would provide ample parking, turning and amenity space for occupants of the dwelling and the layout is considered to be appropriate in relation to the land levels and context of the site. Overall, it is considered that the height, proportion, scale, roof pitches, gable features, materials and fenestration of the proposal would reflect the overall character and appearance of the surrounding area.

Given that the nearest neighbouring property (Pentre) is located on the opposite side of the highway approximately 40 metres to the west of the application site, the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by occupiers of neighbouring properties. Given that the permission was already granted for an affordable dwelling, it is noted that the scale of the dwelling would also be of similar proportions. Therefore it is considered that the proposal is in accordance with the provisions of UDP policy GP1 and Powys Residential Design Guide.

Landscaping

The submission indicates that the hedgerows and mature vegetation surrounding the site would be retained albeit slightly amended along the highway boundary to appease highway specification. Further planting of indigenous trees and vegetation is proposed around the curtilage to further minimise the impact and enhance the site in terms of biodiversity. Taking into account the location of the proposed dwelling, it is considered that the proposed landscaping measures are adequate and would assist in ensuring that the dwelling does not have an unacceptable detrimental impact upon the character and appearance of the surrounding locality.

Highway access

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

The outline consent included a number of conditions relating to access and visibility improvements in order to satisfy highway safety concerns. In this instance The Highway Authority has not objected to the proposal and has requested inclusion of identical conditions that were applied previously. Therefore it is considered that the proposed access arrangements would be provided in accordance with UDP Policy GP4.

Foul sewage disposal and surface water drainage

It is proposed to dispose of foul sewage to the mains sewer while the surface water will be disposed via soakaways. On the basis of Severn Trent Water confirms as the proposal has minimal impact on the public sewerage system that they don't have objections to the proposals and do not require a drainage condition to be applied. Therefore, it is considered that the proposal complies with the provisions of UDP Policies DC10 and DC13.

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 proposed access will require a removal of a small section of hedgerow in order to facilitate vehicular access visibility splays. The loss of the hedgerow is considered to be minimal and the proposed landscaping will ensure that appropriate compensation and enhancement are secured in relation to biodiversity.

Overall, it is considered that the scheme would have minimal ecological impact and that appropriate enhancement can be secured with proposed landscaping.

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

The proposed development is for the provision of a single dwelling 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. It is recommended that the application be approved subject to the conditions set out 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 xxxx (drawing no's: PL1, PL2, PL3, L03a).
3. Prior to their first use full details or samples of materials to be used externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
5. Any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
6. The gradient of the access shall not exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access.
7. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.
8. Prior to the occupation of the dwelling the access shall be fully completed 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 0.26 metres above ground level at the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.
9. The area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
10. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway.
11. The centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

3. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
4. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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