

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0498	Grid Ref:	330903.98 265077.57
Community Council:	Presteigne	Valid Date:	Officer: 04/05/2017 Kevin Straw
Applicant:	Messrs RM, C and T Layton, 1 Kings Court, Presteigne, Powys, LD8 2AJ.		
Location:	Land to the rear of Sunnydale, Knighton Road, Presteigne, Powys, LD8 2ET.		
Proposal:	Outline: Erection of 2 dwellings to include improvements to the existing access. Change of use of existing business to residential.		
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 application site is located within the community council area of Presteigne. The site is approximately 0.80Ha and is located approximately 300 metres outside of Presteigne's defined settlement development boundary as indicated on the Powys UDP Inset Map R84.

The site itself is currently agricultural land. The application site is located with neighbouring residential properties to the west and a commercial business to the east. To the north is agricultural land whilst to the south runs the private access track in which access is sought onto and which then joins onto the County Class II Highway, B4355. It is noted that there are also further residential properties located to the south-east of the application site which front onto the County Highway.

Consent is sought in outline with all matters reserved except for access, for the development of 2 new dwellings, including improvements to existing access and the change of use of an area of land from business (B1) to residential (C3). The plans submitted indicate two 3 bedroomed, open market dwellings.

Consultee Response

Presteigne Town Council

Resolved that the following comments be raised; the site is outside the existing UDP boundary and compliance with exception policies on the UDP is a matter for the County Council. The Town Council would also like to raise concerns over the access although it has

been improved from the earlier application and would ask that this be fully assessed by the Highways Department.

PCC Highways

The County Council as Highway Authority for the County Class II Highway, B4355; wish the following recommendations/Observations be applied.

Recommendations/Observations

The Highway Authority has no fundamental objection to this proposal if suitable conditions are imposed which extinguish the existing business uses currently operating from the site. It is considered that the proposed access improvements, which include the provision of widening, surfacing and improved visibility splays, will with the cessation of traffic associated with the existing business operations, significantly improve highway safety in the vicinity of the access. Highway safety will be further aided by the extension of the existing 40mph speed limit to the north of the site which was secured as part of a neighbouring development.

Accordingly the Highway Authority recommends that the following conditions be attached to any consent granted.

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 and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted 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, 70 metres distant in a northerly direction and 100 metres distant in a southerly 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 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 6 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 any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 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 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of any 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 6 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,

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.

PCC Building Control

Building Regulations approval will be required.

Welsh Water

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Water Supply

We would inform you that a water main is crossing the application site. We have attached a copy of the water main record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant:

The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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.

PCC Environmental Health

Comments received on 19/ 05/2017;

“Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

Secondly regards possible dust control - During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

Thirdly I would require further information regards the intended foul drainage system for the proposed development. It is detailed it will be a packed treatment plant if this is proposed to discharge to a watercourse then there would be no objection, however consent would be from NRW.

However if the sewage treatment plant is to discharge to a drainage field then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

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>

Additional comments received on 07/06/2017;

“Having made some further checks on the current provisions on site which the proposed scheme intends to tap into , I am now satisfied the discharge goes to a watercourse and as such I would not object provided the relevant discharge consents are sought from Natural Resources Wales.

I would still advise that during the landscaping and construction period working hours and delivery times be restricted as follows to reduce noise creation :

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.”

PCC Ecologist

Thank you for consulting me with regards to Planning Application P/2017/0498 which concerns an outline application for the erection of 2 dwellings to include improvements to the existing access. Change of use of existing business to residential at Land to the rear of Sunnydale, Knighton Road, Presteigne, Powys.

I have reviewed the proposed plans, aerial photographs and streetview images of the site and surrounding habitats as well as local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified 71 records of protected and priority species within 1km of the proposed development – no records were for the site itself.

The following statutory designated site is present within 500m of the proposed development:

- River Lugg SSSI

Having reviewed the location and nature of the potential development in relation to the SSSI it is considered that the potential development would not result in a negative impact to the SSSI or its associated features. The site of the proposed development is not immediately adjacent to the SSSI, the habitats present are considered unlikely to support mobile features of the SSSI. The proposed drainage for the site has been identified as connecting to the an adjacent treatment plant and therefore utilise the existing outfall system and require discharge consent from NRW.

There following non-statutory designated sites are present within 500m of the proposed development:

- Withybeds and Wentes Meadow Wildlife Trust Reserve
- Withybeds & Wentes Meadow Road Verge Nature Reserve

Having reviewed the location and nature of the potential development in relation to the Wildlife Trust Reserve and the RVNR it is considered that the proposed development would not result in a negative impact to these sites or their associated features.

The Proposed Block Plan drawing no. 4628/3C Rev C dated May 2017 indicates that there is an existing tree along the northern boundary of the proposed development which will be retained as well as existing areas of hedgerow to the south of the private access road and the to the east of the proposed development – in order to ensure that these features are protected during construction activities it is considered that an appropriate scheme of protection should be identified to demonstrate that the works will be undertaken in manner to avoid harm to the retained trees and hedgerows in accordance with Powys County Council UDP policy ENV2. It is therefore recommended that a Tree and Hedgerow Protection Plan is secured through an appropriately worded condition.

The Proposed Block Plan drawing no. 4628/3C Rev C dated May 2017 indicates that in order to accommodate the proposed access improvements and associated infrastructure there will be a requirement to translocate sections of the existing hedgerow either side of the junction adjacent to the B4355. It is recommended that a Hedgerow Translocation Method Statement is secured through an appropriately worded condition.

It is also noted that the Proposed Block Plan drawing no. 4628/3C Rev C dated May 2017 indicates that there will be provision of new native species hedgerow planting and new tree and shrub planting provided through the proposed development, these provisions are welcomed and considered to help provide biodiversity enhancements through the proposed development it is recommended that the details of any landscaping scheme including proposed species mixes, planting details and aftercare schedules are secured through an appropriately worded condition.

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that an External Lighting Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to the commencement of development a detailed method statement for the translocation of the section of hedgerow adjacent to the B4355 shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and aftercare measures and all translocation works shall take place in accordance with the approved details.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend the inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being

undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

NRW

Thank you for your consultation received on 12th May 2017. We have reviewed the information submitted. This appears to be a re-submission of P/2016/1031 that we responded to on 15th November 2016 CAS-25683-R8Y6. We do not object to the proposal. Our clarified advice is provided below.

Flood Risk

The red line of the planning application boundary is abuts C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The application proposes a highly vulnerable development (TAN15, 5.1) and is just outside 1 in 1000 year annual probability flood outline on elevated ground.

We agree with the planning statement that the topography dictates that there is no perceivable risk of flooding to the proposed development. A Flood Consequence Assessment has not been submitted with this application. We have no objections to the proposed, although we recommend that finished floor levels are set a nominal distance above ground level to safeguard against flooding from any other sources.

Foul Drainage

The proposed block plan shows that the proposed houses will be served by a treatment plant that will connect to an existing outfall of an existing treatment plant. We note that there is an active discharge consent AN0270601 for Sunnyside, Wayside and the Willows.

The applicant is advised to contact NRW Permitting Service Tel: 0300 0653000 to ensure that the discharge consent is up to date and is sufficient for the number of occupants of the proposed houses. The following link will also provide helpful information.

<https://naturalresources.wales/permits-and-permissions/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

Please note that the granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2016. A permit will only be granted where the risk to the environment is acceptable.

Pollution Prevention

The development proposal site is located near the River Lugg SSSI. The developer should ensure there are measures in place to prevent pollution occurring to the nearby watercourse. No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance PPG6: 'Working at construction and demolition sites'. Any works and maintenance in or near water will need to follow Guidance for Pollution Prevention 5. Guidance for pollution prevention is available online at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on immediately on Tel: 03000 65 3000.

Scope of NRW Comments

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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.

Representations

Following display of a site notice on 30/05/2017 there have been no public representations made.

Planning History

P/2016/1031 – Erection of 2 dwellings, alterations to existing vehicular access and all associated works (outline)- Withdrawn.

Principal Planning Constraints

Flood Zone 2 & 3.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)

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

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 Policies

SP2 - Strategic Settlement Hierarchy
SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities
SP14 - Development in Flood Risk Areas

GP1 - Development Control
GP2 – Planning Obligations
GP3 - Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
CS3 – Additional Demand for Community Facilities
T2 - Traffic Management
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC11 – Non-Mains Sewerage Treatment
DC13 - Surface Water Drainage
DC14 - Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

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.

Principle of Development

Consent is sought in outline with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form separate applications for consideration at a later date.

The application site lies wholly outside the settlement boundary of Presteigne, as detailed on inset map R84 and would result in 2 dwellings being constructed outside the settlement boundary.

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

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

Presteigne is allocated as an area centre in the UDP. The town contains a wide range of facilities including Fire Station, School Hall, Health Centre, Library, Primary and Secondary School and a Recycling Centre as well as recreation related facility provision.

The application site is located approximately 310 metres from the settlement boundary of Presteigne and can be accessed via the existing highway network. There are noted to be a number of residential properties along the B4355 county highway already existing with a further two properties located directly west of the application site, one of which is within the ownership of the applicant.

It is considered that whilst located outside of the settlement development limits for Presteigne, there are links with the existing settlement of Presteigne which boasts a number

of services. Therefore, on balance it is considered that the site will be situated within a sustainable location.

Design and layout

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

Whilst design and layout are reserved and will be dealt with at a later point it is considered that the plot sizes proposed are of a suitable size to be able to accommodate the number of dwellings proposed along with suitable parking area and amenity space per dwelling.

Although Officers acknowledge that a majority of the matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 2 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

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 a location outside of the settlement which is defined as open countryside and therefore the locality is considered to be sensitive to visual change. It is noted that there are existing residential dwellings to the immediate west and south-east of the application site and also further to the north-east and as such it is considered that this proposal would become part of this established development and therefore have a lessened visual impact to that of an application within a completely open, rural location.

In terms of landscaping the proposed block plan indicates that there will be the retention of an existing tree to the north of the site as well as new hedgerow planting around the exterior perimeter of the site to the north. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location combined with the existing residential dwellings in the immediate area, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

Highway Safety

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

The proposed development will be accessed from a private track linking to Knighton Road (B4355).

Consultation with the Highway Authority indicated that they had no fundamental objections to the proposed development subject to the inclusion of suitable conditions which also considered the cessation of the business use currently operating from part of the proposed site. As this application seeks in part a change of use with regard to this area of land from business use to residential use, it is considered this aspect of the officer's request is being addressed. The officer indicates that the proposed access improvements, which include the provision of widening, surfacing and improved visibility splays, will with the cessation of traffic associated with the existing business operation; significantly improve highway safety in the vicinity of the access. In addition the officer noted that highway safety will be further aided by the extension of the existing 40mph speed limit to the north of the site which was secured as part of a neighbouring development.

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

Drainage

PCC Environmental Health, Welsh Water and NRW were consulted with regard to drainage.

The PCC officer initially requested further information with regards to the intended foul drainage system for the proposed development. Following further information being provided the officer concluded that they were satisfied that the existing discharge goes to a watercourse and as such they would not object provided the relevant discharge consents are sought from Natural Resources Wales.

NRW indicated that the block plan shows that the proposed houses will be served by a treatment plant that will connect to an existing outfall of an existing treatment plant. They also noted that there is active discharge consent AN0270601 for Sunnysdale, Wayside and the Willows, which are the three dwellings to the south-east of the proposed site.

NRW advised that contact should be made with NRW permitting service to ensure that the discharge consent is up to date and is sufficient for the number of occupants of the proposed houses. However, it is noted that no objections were raised.

Welsh Water noted that as the applicant intends utilising a private treatment works they would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

In light of the above it has therefore considered that the existing private treatment works will be utilised, NRW have been consulted and have raised no objections in principle to the proposed development. It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Environmental Health

The PCC Environmental Health officer indicated that due to the nature of the site and its proximity to other residential dwellings consideration should be given to any future hours of operation in association with development works and with specific regard to noise and dust creation. As such the officer recommended the inclusion of specific conditions to address this matter and ensure appropriate development in consideration of neighbouring amenity.

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

Flood Risk

Comments received from NRW indicate that the planning application boundary abuts a C2 flood zone as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW's Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. They indicate that the application proposes a highly vulnerable development (TAN15, 5.1) and is just outside 1 in 1000 year annual probability flood outline on elevated ground.

Nevertheless NRW agree with the planning statement that the topography dictates that there is no perceivable risk of flooding to the proposed development and they also highlight that no Flood Consequence Assessment was submitted along with the application. NRW concluded by stating that they had no objection to the proposals subject to the recommendation that finished floor levels are set at a nominal distance above ground level.

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

Biodiversity

Comments received from the PCC Ecologist have indicated that the SSSI River Lugg is within 500 metres of the site although it is considered that the potential development would not result in a negative impact to the SSSI or its associated features. The Ecologist noted 71 records of protected and priority species within 1km of the proposed development, although no records were for the site itself.

The following non-statutory designated sites were indicated by the Ecologist as present within 500m of the proposed development; those being Withybeds and Wentes Meadow Wildlife Trust Reserve and Withybeds & Wentes Meadow Road Verge Nature Reserve. The officer concluded that the proposed development would not result in a negative impact to these sites or their associated features.

The Ecologist went on to consider the proposed development in association with existing biological features surrounding the site and in conclusion subject to a number of recommended conditions, the officer did not raise any objections. As an addition the officer recommended the inclusion of an informative which will be attached to any decision notice issued.

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

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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 and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
5. Prior to first beneficial use 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, 70 metres distant in a northerly direction and 100 metres distant in a southerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
6. Prior to first beneficial use 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 6 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the occupation of any dwelling, provision shall be made within the curtilage of any dwelling for the parking of not less than 1 car per bedroom (maximum of 3) excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

8. 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 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

9. The width of the access carriageway, constructed as Condition 6 above, shall be not less than 5.5 metres for a minimum distance of 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

10. Prior to the occupation of any 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 6 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

11. Upon formation of the visibility splays as detailed in Condition 5 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

13. All works and ancillary operations in relation to this consent which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

14. At all times during construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

15. Prior to the commencement of development a detailed method statement for the translocation of the section of hedgerow adjacent to the B4355 shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and aftercare measures and all translocation works shall take place in accordance with the approved details.

16. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

17. Prior to the first occupation of any dwelling hereby permitted the business use (class B1) associated within the application site shall cease and remain as approved for residential purposes thereafter in perpetuity.

18. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details and retained in perpetuity.

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 the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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.

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

13. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

14. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

15. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

16. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

18. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Water Supply

The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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