

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	P/2017/0473	<b>Grid Ref:</b>	288314.13 300652.15
<b>Community Council:</b>	Llanbrynmair	<b>Valid Date:</b>	<b>Officer:</b> 28/04/2017 Kate Bowen
<b>Applicant:</b>	Mr Philip Pryce, Coed y Gaer Fawr, Llandinam, Powys, SY17 5AZ		
<b>Location:</b>	Land adj. Hafgan, Llan, Llanbrynmair Powys SY19 7DR		
<b>Proposal:</b>	Full: Erection of a detached dwelling and garage, formation of vehicular access and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### Reason for Committee determination

The applicant is a family member of an employee of Development Management.

### Site Location and Description

The application site is located within the centre of the settlement development boundary of Llan on the western side of the B4518 class two highway. The site forms part of a larger field which is currently grassland and is located between two dwellings (Hafgan and Llys Teg), with boundary hedgerows and scrub. A dry ditch travels to the north-west of the site and a stream travels to the south of the site. There is a tin building in the south west corner of the application site.

It is proposed to construct a single detached, two storey, four bedroomed dwellinghouse measuring a maximum of approximately 17 metres by 13 metres and 7.5 metres in height to the ridge. These measurements include an attached garage. The dwelling would have brick and render walls with timber cladding under a slate roof. The site would accommodate a rear garden area and parking and turning facilities at the front. Access would be gained off the B4518 highway via the existing means of vehicular access.

### Consultee Response

Llanbrynmair Community Council

No response received.

PCC Highway Authority

The County Council as Highway Authority for the County Class II Highway, B4518

**Wish the following recommendations/Observations be applied**  
**Recommendations/Observations**

- HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
- HC4 Prior to 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- 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 one 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 and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 4.1 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- 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 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

- HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained 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.

#### 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 Water (STW)

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 draiange condition to be applied. Please note the site appears to be out of our Waste Water area and appears to be for Welsh Water.

#### Dŵr Cymru/Welsh Water

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

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### **SEWERAGE Conditions**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### **Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

Thank you for your consultation in respect of this application. With the dwelling discharging to mains drainage, I have no objection to this application.

#### PCC Land Drainage

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 (or other best practise sustainable drainage means) should be investigated in the first instance for the disposal of surface water run-off. 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 for climate change.

If soakaways are not feasible, drainage to limit the discharge rate from the site equivalent to a Greenfield run-off rate should be applied. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other 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 public highway.

Recommendation: No development shall commence until a scheme for the foul and 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 the dwelling 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.

Informative: The applicant should consider employing measures such as the following:

Water Butts

Permeable paving on any new driveway/paved area

Greywater recycling system

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru Welsh 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.

PCC Ecologist

Thank you for consulting me regarding the additional information submitted for planning application P/2017/0473. I have reviewed the Ecological Assessment of Land at Llan, Llanbrynmair, Powys (SH883006) by Jon Sloan dated November 2016.

Having revised the findings of the report it is noted several small areas of Japanese Knot weed on the site.

In addition to conditions previously submitted. I recommend the inclusion of the following condition:

Prior to commencement of development, a detailed Japanese Knotweed Management Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter

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

In addition I recommend inclusion of the following informative:

**Non-native Invasive Species - Wildlife and Countryside Act 1981 (as amended)**

It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

The submission of a Management Plan, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Further information is available from the Non-native Species Secretariat (NNSS) website at <https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm>

Further advice for the construction industry on legal responsibilities when dealing with Japanese knotweed, giant hogweed and other invasive plants is available on Netregs <http://www.netregs.org.uk>

### Natural Resources Wales (NRW)

Thank you for consulting Natural Resources Wales (letter dated 22/05/2017) regarding the above.

**NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to use of appropriate conditions.**

### **Summary of conditions:**

**Condition 1– ecology:** The avoidance and mitigation measures described in section 4 of the ecological assessment are secured through planning conditions and/or a Section 106 agreement.

**Condition 2 – INNS:** the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

### **Protected Species**

NRW is satisfied that the Ecological Assessment (Churton Ecology and Jon Sloan Ecology, dated November 2016) has been carried out to an acceptable standard. The report states that no evidence of protected species was identified at the proposed development site. Due the presence of hedgerows on site and areas surrounding the proposal bats are likely to use the site for foraging and use the hedgerows as flight lines. The recommendations made in the report appropriately address measures to be taken to minimise impact on flight lines.

**Condition 1– ecology:** The avoidance and mitigation measures described in section 4 of the ecological assessment are secured through planning conditions and/or a Section 106 agreement.

### **Pollution Prevention**

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) for Waste disposal Guidance.

### **Biosecurity**

A stand of Japanese knotweed was found present on site. We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS). We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

**Condition 2 – INNS:** the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

### **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/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. 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.

### **Public Representations**

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

### **Planning History**

M2806 – Details of site layout for residential development. Consent 01/10/1976

M1881 – Outline application for residential development. Consent 05/12/1975

### **Principal Planning Constraints**

- Within settlement development boundary;
- B4518 class two highway.

### **Principal Planning Policies**

#### National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2013)

Technical Advice Note 23: Economic Development

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

Welsh Office Circular 10/99: Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

### Local Planning Policy

#### *Powys Unitary Development Plan (2010)*

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 – Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

UDP SP5 – Housing Developments

UDP GP1 – Development Control

UDP GP3 – Design and Energy Conservation

UDP GP4 – Highway and Parking Requirements

UDP GP5 – Welsh Language and Culture

UDP HP3 – Housing Land Availability

UDP HP4 – Settlement Development Boundaries and Capacities

UDP HP5 – Residential Development

UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV4 – Internationally Important Sites

UDP ENV5 – Nationally Important Sites

UDP ENV6 – Sites of Regional and Local Importance

UDP ENV7 – Protected Species

UDP DC10 – Mains Sewage Treatment

UDP DP13 – Surface Water Drainage

UDP DC15 – Development on Unstable or Contaminated Land

Powys Residential Design Guide (2004)

Powys Joint Housing Land Availability Study (2016)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note

UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

### **Officer Appraisal**

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

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

### Principle



The site is not an allocated site for residential development, nevertheless, it is located within the development limits of Llan and as such, the site is considered appropriate in relation to UDP policy HP5 and there is a presumption in favour of its development. UDP Policy HP5(3) requires proposals not to result in the loss of land allocated for other purposes in the UDP and given that the site is not allocated, it is considered that the proposal does not conflict with UDP Policy HP5(3). A development of this scale (one dwelling) is not expected to lead to the overall capacity of the small village of Llan being significantly exceeded, and therefore meets the principles of UDP Policy HP4. Overall, it is considered that the principle of the development is acceptable at this location.

Powys County Council's Unitary Development Plan Policy HP5 sets out the criteria applied to residential development and permits development of appropriate sites within development boundaries providing that the development is of a scale, form, design and general character that reflects the character and appearance of the settlement and surrounding area; and would not create unacceptable safety, access, service, environmental or amenity problems.

In view of the policy context along with consultee responses and public representations received and taking into account any site-specific constraints the key issues are discussed below.

#### 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.

As noted above, Llan is identified as a small village within the UDP and it is noted that the village is served by limited facilities; namely a church. The village is located approximately 2 miles from Llanbrynmair which is classified as a large village in the UDP which has a wider range of facilities, 13 miles from Machynlleth and 20 miles from Newtown.

In consideration that Llan is classified as a settlement with a development boundary and given the proximity to Llanbrynmair which has a wider range of facilities (including a primary school, hotel/public house, shops, post office), it is considered that the proposed additional residential development of one dwelling in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

#### 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.

Llan is classified as a small village within the Powys Unitary Development Plan with one site allocated for residential development in the UDP (M147 HA1 – Land opposite Ael y Bryn – 0.25Ha – capacity for 5 dwellings). This site remains undeveloped.

Members are advised that the lack of a five year housing supply in Powys needs 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.

#### Design and impact upon character and appearance of area

The development in Llan is linear in form, along the B4518 highway with the majority of the dwellings in the village being detached, two storey dwellings. The site is not located within nor is adjacent to the conservation area which is centred around St Mary's Church and the dwellings immediately adjacent to the site are detached, two or one and a half storey brick dwellings set in similar sized plots to that the subject of the application. It is proposed to retain the existing hedgerow boundaries with new post and rail fencing to demarcate the north western boundary and along part of the south western boundary.

The proposed dwelling is considered to be of a suitable scale in terms of floor space and height and subject to the retention of the existing hedgerows, it is considered that the scale, form and general design of the proposal reflect the overall character and appearance of the settlement and surrounding area. The proposal would benefit from additional hedgerow planting, particularly along the western boundary where the site meets the open countryside and as such it is recommended that a condition requiring additional landscape planting is attached to any consent granted.

#### Impact upon 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. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The northern (side) elevation of the proposed dwelling would be located approximately 8.6 metres to the south west of the south western (side) elevation of the dwelling known as

Hafgan. The southern (side) elevation of the proposed dwelling would be approximately 8 metres from the northern (side) elevation of the dwelling known as Llys Teg. No windows are proposed in the side elevation facing Hafgan, however one window is proposed in the ground floor of the side elevation facing Llys Teg which would serve a utility room. There are currently no windows in the side elevation of Llys Teg which faces the side elevation of the proposed dwelling. Whilst there would be one window in the side elevation facing Llys Teg, windows in side elevations facing side elevations of existing dwellings do not contravene the privacy guidelines set out within the Powys Residential Design Guide (which predominantly apply to distances and design for front and rear elevations).

Taking into account that the affected elevations of both the existing and proposed properties are side elevations, it is considered that the proposal would not unacceptably affect the amenities enjoyed by the occupants of neighbouring properties in accordance with UDP Policy GP1 and the Powys Residential Design Guide.

#### Highway access and parking requirements

Access would be gained via the existing means of access off the class two highway and the submission demonstrates that adequate highway access including visibility, turning and parking would be provided in accordance with UDP Policy GP4. The Highway Authority has not objected to the proposal and has recommended conditions to mitigate any impact upon the highway network and taking into account this advice, subject to the use of conditions, it is considered that the proposal would make adequate provision for highway access, parking and turning in accordance with UDP Policy GP4.

#### Ecology/biosecurity

##### *Impact upon protected species*

The submission includes an Ecological Assessment which informs that the proposed development does not have the potential to adversely affect protected species. Due the presence of hedgerows on site and areas surrounding the proposal, NRW has advised that bats are likely to use the site for foraging and use the hedgerows as flight lines. NRW has further advised that the recommendations made in the report appropriately address measures to be taken to minimise impact on flight lines and subject to the use of a condition to ensure the implementation of the mitigation measures set out within the report, NRW have not objected to the proposal. Therefore, subject to the use of such a condition, it is considered that the proposal would not have an adverse impact upon protected species.

##### *Biosecurity*

The Ecological Assessment identifies some areas of the site and within the boundaries of the site which accommodate Japanese Knotweed. Invasive non-native species (INNS) and diseases can be a material consideration in development proposals and given the advice from the Council's Ecologist and NRW which recommends the inclusion of a condition to require a Japanese Knotweed Management plan (Biosecurity Risk Assessment) and the contents of UDP Policy DC15, it is considered that such a condition would be appropriate.

#### Flood risk, surface water and foul drainage

The site is not located within B, C1 or C2 flood risk zones as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004) and as such the site is not known to be at risk from flooding.

UDP Policy DC13 requires development proposals to make adequate provision for land drainage and surface water disposal. In terms of surface water run-off, the submission indicates that surface water is to be disposed to soakaway. However, no surface water drainage details/drawing(s) or an indication as to how the impermeable areas within the proposed application site will be drained/disposed. The Council's Land Drainage Engineer has advised that proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 and has recommended a condition to require the submission, approval and implementation of foul and surface water details. In addition, Welsh Water has advised that they have no objection subject to the use of a condition to prevent surface water from connecting into the public sewerage network. On the basis of this advice, to ensure adequate surface water drainage is provided for and to ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates, it is considered reasonable and necessary to attach a condition to any consent granted to require the submission, approval and implementation of a surface water drainage scheme in accordance with UDP Policy DC13.

It is proposed to connect to the public sewerage system which is the preferred method of disposal set out within national policy and guidance and within UDP Policy DC10. Welsh Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development.

#### Other legislation

##### *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)*

Llan is a settlement where the Welsh language has been identified as important to the social, cultural and community fabric and as such is a material consideration when determining this application. 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. Given the scale of the development for one dwelling, 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 proposal would not lead to the loss of land allocated for other purposes within the UDP and it is considered that the proposal would not create unacceptable safety, access, service, environmental or amenity problems in accordance with UDP Policy HP5, subject to the use of conditions. In addition, the design is considered acceptable and the Council's current lack of housing land supply carries weight in favour of supporting the application. The proposal is considered to comply with the relevant national and local planning policy and the recommendation is one of conditional consent as 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: Site Location Plan scaled to 1:1250, 836/D01, 836/D02, 835/D03, 836/D04).
3. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling hereby approved and retained in perpetuity. No surface water

and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

4. Prior to commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must include:

- (i) appropriate measures to control any INNS (invasive non native species) on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

The development shall be carried out in accordance with the approved scheme.

5. A native species hedgerow shall be planted along the western boundary of the application site in the first planting and seeding seasons following the occupation of the dwelling; and any 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.

6. Prior to the construction of the dwelling hereby approved details of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

7. Prior to the commencement of any other 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

8. Prior to the commencement of any other 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. Prior to the commencement of any other development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

10. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

11. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

12. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one 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 and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13. The width of the access carriageway, constructed as condition 8 above, shall be not less than 4.1 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

14. 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 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

15. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

16. Upon formation of the visibility splays as detailed in condition 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

18. The avoidance and mitigation measures described in sections 4.2.1 to 4.2.3 (inclusive) of the Ecological Assessment (report completed November 2016) must be implemented in full in accordance with the timings set out within sections 4.2.1 to 4.2.3 (inclusive).

#### 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. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

4. To prevent further spread of INNS (invasive non native species) and in particular Japanese Knotweed which would have a negative impact on biodiversity and existing or proposed landscape features in compliance with Policies SP3, ENV3 and DC15 of Powys County Council's Unitary Development Plan (2010), Planning Policy Wales (Edition 9, 2016) and TAN 5: Nature Conservation and Planning (2009).

5. To ensure that habitat enhancement is achieved and that the hedge planted is ecologically and environmentally rich and to assist their permanent retention in the landscape in accordance with policies ENV2 and ENV3 of the Powys Unitary Development Plan (2010).

6. 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 (2004).

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.
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16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In order to ensure that adequate mitigation and avoidance measures for protected species are provided in accordance with Policy ENV7 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 5: Nature Conservation and Planning (2009).

## **Informative Notes**

*Please note the advice from Dwr Cymru / Welsh Water:*

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

*Please note the advice from 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.

*Please note the advice from the Council's Ecologist:*

Non-native Invasive Species - Wildlife and Countryside Act 1981 (as amended)

It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

The submission of a Biosecurity Risk Assessment, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant (in particular Japanese Knotweed) is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Further information is available from the Non-native Species Secretariat (NNSS) website at <https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm>

Further advice for the construction industry on legal responsibilities when dealing with Japanese knotweed, giant hogweed and other invasive plants is available on Netregs <http://www.netregs.org.uk>

*Please note the advice from the Council's Land Drainage Engineer:*

Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru Welsh 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.

The applicant should consider employing measures such as the following:

Water Butts

Permeable paving on any new driveway/paved area

Greywater recycling system

*Please note the advice from Natural Resources Wales:*

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) for Waste disposal Guidance.

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Case Officer: Kate Bowen- Planning Officer  
Tel: 01938 551268 E-mail: [kate.bowen@powys.gov.uk](mailto:kate.bowen@powys.gov.uk)