

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0315	Grid Ref:	291351.89 301721.3
Community Council:	Llanbrynmair	Valid Date:	Officer: 23/03/2017 Eddie Hrustanovic
Applicant:	Mr RW Morgan, Dolfach Caetwpa, Llanbrynmair, Powys		
Location:	Land adj to Bwlch yr Laen, Dolfach, Llanbrynmair, Powys, SY19 7AG		
Proposal:	Outline: Residential development for 2 dwellings including formation of a vehicular access and associated works		
Application Type:	Application for Outline Planning Permission		

Update

Additional Information:

Since the publication of the Case Officer report additional information has been received from the applicant in relation to Welsh Language and Culture. The correspondence states as follows:

“Dolfach is not listed under GP5 as being important to the social, cultural and community fabric, although it is situated a short distance from Llanbrynmair which is listed. The proposal is for a low density small-scale development of just 2 dwellings. As the proposal is for less than 5 dwellings then no local needs will be required. The site fits nicely within Dolfach, situated immediately next to a mid-Wales social housing development, and using the same adoptable road access.

It is important to realise the importance of Welsh Language and Culture, and more importantly to understand the reasons why there has been significant decreases in Welsh speakers living in the settlements listed under GP5. One of the main reasons for such decline has been the lack of availability of dwellings to live in such areas. The provision of housing helps to build a strong local economy, and with no new dwellings built in Dolfach in recent years, and with very few dwellings built in Llanbrynmair also, such small-scale development proposal, located next to an existing mid-Wales housing development, can only mean a positive direction in strengthening the Welsh language and culture for years to come in this settlement

Census Information:

- 2001:

	All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
Number	933	48	36	19	447	14	369

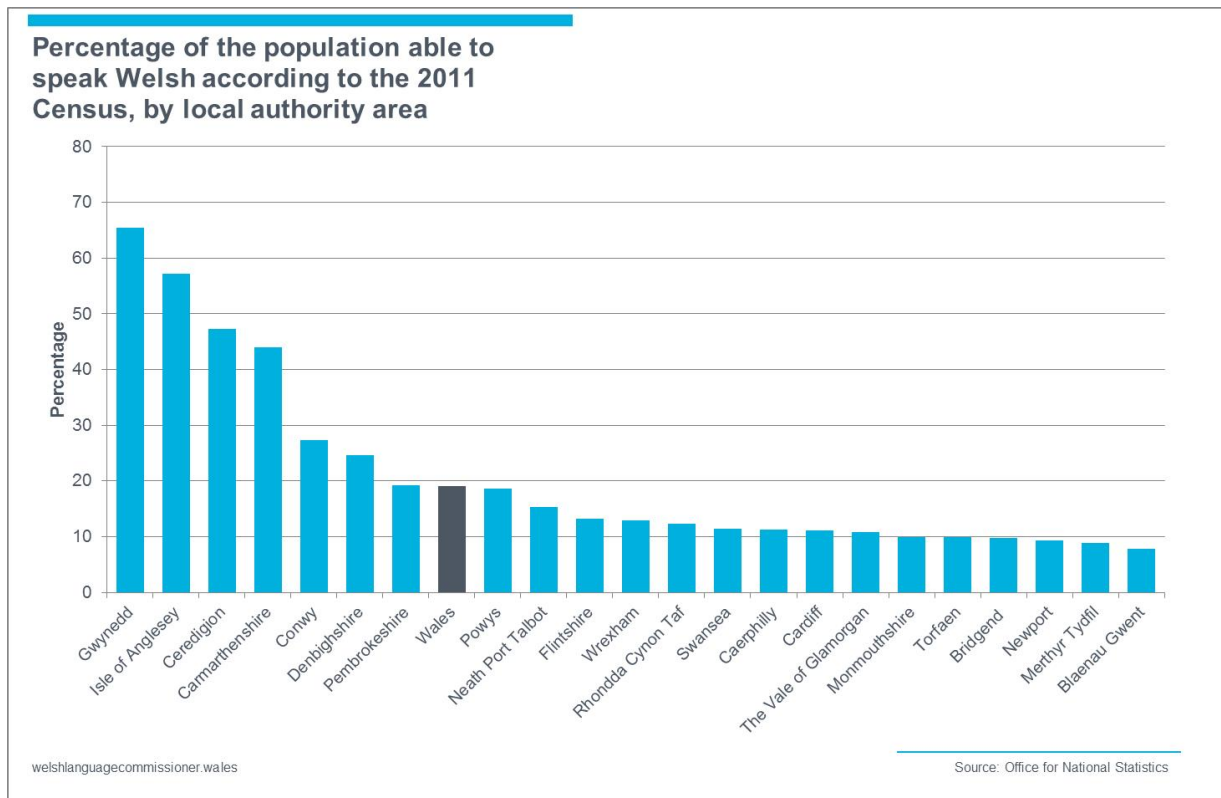
Source 2001 Census: Knowledge of Welsh – Llanbrynmair ward

- 2011:

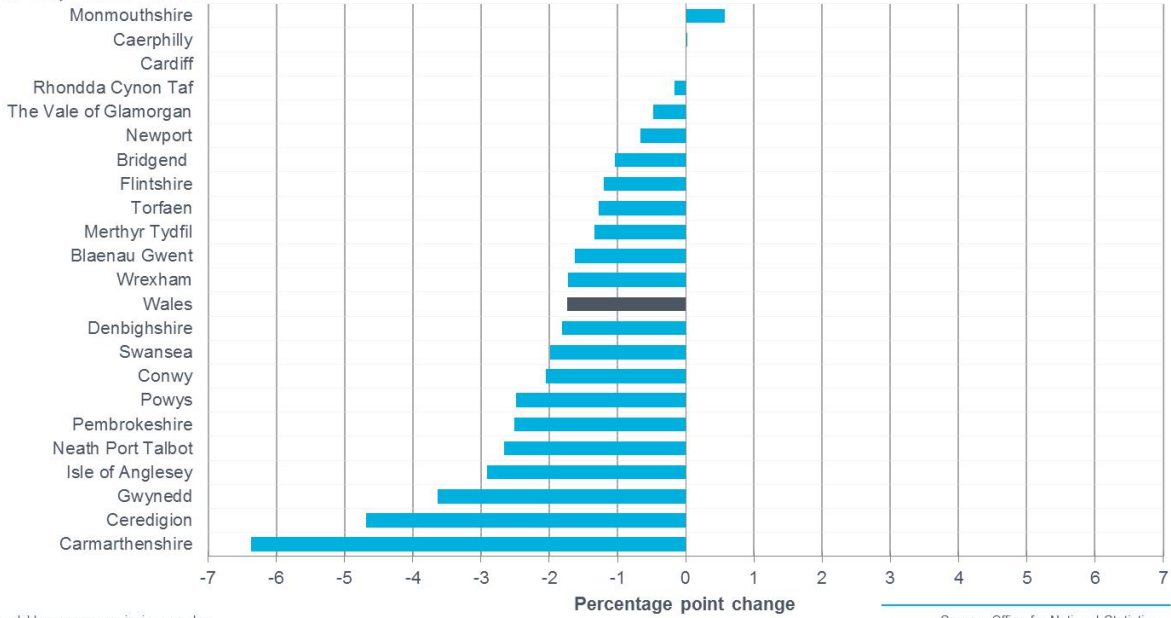
	All usual residents aged 3 and over	Can understand spoken Welsh only	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh	No skills in Welsh
Number	897	51	31	21	376	26	393

Source 2011 Census: Welsh Language Skills – Llanbrynmair ward

Welsh Language Commissioner Information:



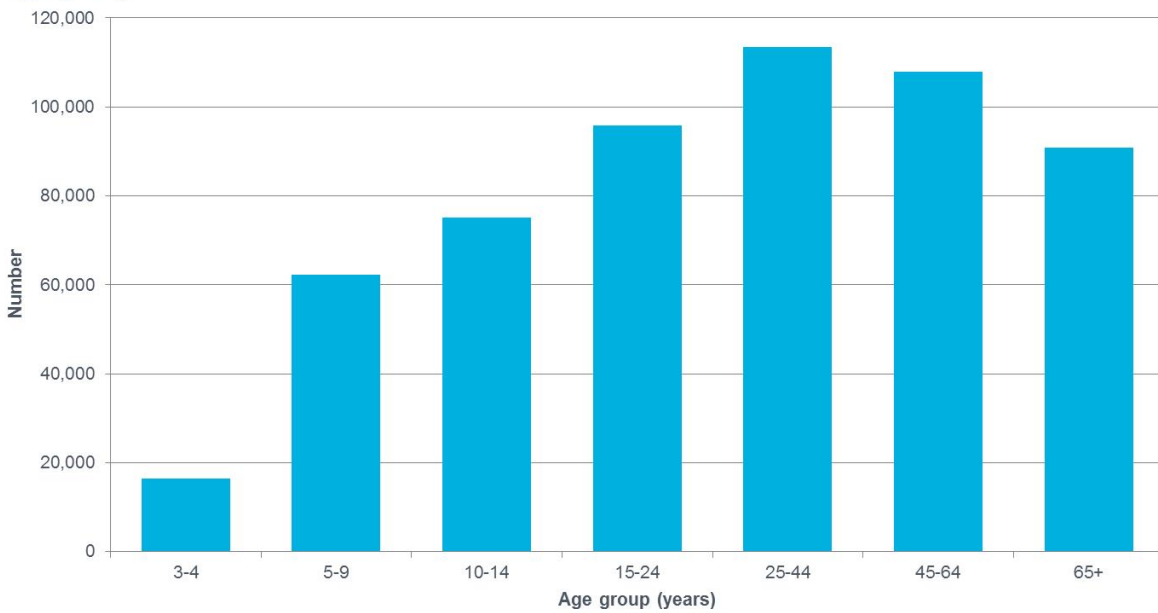
Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics

Number of people able to speak Welsh in Wales according to the 2011 Census, by age group



welshlanguagecommissioner.wales

Source: Office for National Statistics

Planning Policy:

Powys Unitary Development Plan

Policy SP1 (Social, Community and Cultural Sustainability), states as follows:

“In assessing proposals for new development due regard will be given to the need to sustain and where possible enhance the social, cultural and linguistic characteristics of the area and to the contribution that the proposal can make towards meeting the needs of local communities and residents”.

Policy GP6 (Welsh Language and Culture), states as follows:

“In the following settlements, the Welsh language has been identified as being important to the social, cultural and community fabric.

Within the identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh language and culture, including through the provision of an appropriate level of affordable housing.

ABERCEGIR	DOLANOG	LLANWDDYN
ABERCRAF	DERWENLAS	LLANWRIN
ABERHOSAN	ESGAIRGEILIOG CEINWS	LLAWR Y GLYN
ABERTRIDWR	FOEL	LOWER CWMTWRCH
ADFA	FORGE	MACHYNLLETH
BONT DOLGADFAN	GLANTWYMYN	PENEGOES
CAE HOPKIN	GURNOS	PENRHOS
CAER BONT	LLAN	PENYBONTFAWR
CAER LAN	LLANBRYNMAIR	PONTROBERT
CARNO	LLANERFYL	TALERDDIG
CEFN COCH	LLANFAIR CAEREINION	TREFEGLWYS
CEMMAES	LLANFIHANGEL	UPPER CWMTWRCH
COELBREN	LLANFYLLIN	YSTRADGYNLAIS
COMMINS COCH	LLANGADFAN	YNYS ISAF
CWM LLINAU	LLANGYNOG	YNYS UCHA F «
CWMGIEDD	LLANRHAADR YM MOCHNANT	
DAROWEN	LLANSILIN	

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

Within Technical Advice Note 20: Planning and the Welsh Language (TAN20) it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reserve this trend.

With regards to the Development Management function, Tan 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Planning Policy Wales (2016):

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 seeks to improve the social, economic, environmental and cultural well-being of Wales. It contains seven well-being goals which certain public bodies (including local authorities) must seek to achieve in order to improve the well-being both now and in the future. One of the well-being goals is:

‘A Wales of vibrant culture and thriving Welsh Language’

This well-being goal will be achieved through a ‘society that promotes and protects culture, heritage and the Welsh Language and which encourages people to participate in the arts, and sport and recreation’.

Officer Appraisal:

Welsh Language:

The following analysis of the census information provides an indication of the health of Welsh Language within the Llanbrynmair ward which the application site is located:

- Number of people aged 3 and over within the Llanbrynmair ward has decreased by 36 between the 2001 and 2011.
- The number of people (people aged 3 and over) who understand Welsh only has increased from 5.14% of the population to 5.68% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak but cannot read or write Welsh has decreased from 3.86% to 3.46% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak and read but cannot write Welsh has increase from 2.04% to 2.34% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak, read and write Welsh has decreased from 47.91% to 41.92% between 2001 and 2011.
- The number of people (people aged 3 and over) with other combination of skills in Welsh has increase from 1.50% to 2.90% between 2001 and 2011.
- The number of people (people aged 3 and over) with no skills in Welsh has increase from 39.54% to 43.81% between 2001 and 2011.

Although Dolfach is not within a settlement identified by GP6 and is not a major development, it is still located within the Llanbrynmair area and as detailed above, the number of people who can speak, read and write Welsh in the Llanbrynmair ward is above 40%. Members are therefore advised that the impact of the proposed development on Welsh language is a material consideration that needs to be allocated considerable weight when determining this planning application.

Dolfach is principally served by facilities located in Llanbrynmair, which is located approximately 1 mile west of Dolfach. These facilities include shops, a post office, a pub, public toilets, a car park, playing fields, a café, a garage and a primary school. It is considered that the introduction the two proposed dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities.

With regards to the scale of the development, when the application was originally submitted it proposed nine dwellings. This was not considered by sustainable by Development Management as the development would swamp the village of Dolfach to the detriment of

amongst other things the Welsh language and culture. The two dwellings currently proposed are considered to be a more sustainable scale and appropriate from a village growth perspective. This stance is based on the facilities located in close proximity of the village at Llanbrynmair. If the existing facilities were not located close to Dolfach, Development Management would be concerned about the scale of the development. In light of the limited scale of the development, no phasing condition is considered necessary to control the number of dwellings constructed at one time.

With regards to affordable housing, the applicant is not proposing any affordable units as part of this development given the number of dwellings proposed. Although it is considered that the provision of affordable housing helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the lack of a five year housing land supply in Powys needs to be allocated considerable weight and although two dwellings is a small development, it still contributes to resolving the housing supply issue. Members are advised that the lack of a five year housing supply needs to be given considerable weight and as such, on balance, Members are advised that the provision of no affordable housing is considered acceptable in this instance.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on schools is considered to be negligible. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is considered to be negligible. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

In conclusion, given the scale of the development it is not considered that the proposed development would have an unacceptable adverse impact on Welsh language and culture. The proposal is therefore considered to comply with relevant planning policy.

Recommendation

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. The proposed development is for the provision of 2 dwellings in what is considered to be a sustainable location given its proximity to Llanbrynmair. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.. It is recommended that the application is approved subject to the conditions set out below

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. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto Bwlch yr Lane (drawing no: RPP/TW/JOB13-03-Rev C).
5. 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 first occupation of the dwellings hereby permitted and retained in perpetuity.
6. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved and maintained thereafter.
7. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and maintained thereafter.
8. Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be implemented in full accordance with the species list as approved.

9. All landscape works shall be carried out in accordance with the details approved at the reserved matters stage. The works shall be carried out prior to the occupation of any part of the development hereby approved or in accordance with the programme to be agreed in writing by the Local Planning Authority prior to the commencement of development.
10. Any entrance gates implemented at the application site 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. 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of any dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car 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. 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.
14. 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.
15. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.
16. No storm water drainage from the site shall be allowed to discharge onto the county highway.
17. An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed prior to the commencement of development. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry)

and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and NRW's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012. Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

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

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

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

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the above conditions.

21. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. 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 the Environment (Wales) Act 2016.
7. 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, Welsh Government strategies, and the Environment (Wales) Act 2016.
8. 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 the Environment (Wales) Act 2016.
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 8, 2016).
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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

Informative Notes

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.

Gas mains

You will note the presence of our intermedeate/High Pressure gas main(s) in proximity to the site. no excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with Wales & West Utilities.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk