

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2016/0819 **Grid Ref:** 332156.74 263845.56

Community Council: Presteigne **Valid Date:** 29/07/2016 **Officer:** Gemma Bufton

Applicant: Micharon Homes Ltd, c/o Agent.

Location: Land Opposite Kings Court, Presteigne, Powys, LD8 2AJ.

Proposal: Outline: Proposed residential development to include creation of new access

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The application represents a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located outside but adjacent the settlement development limits for Presteigne.

The application site is currently grazed agricultural land and is bound by further agricultural land located to the east and south. Whilst to the north and west runs the B4362 County Class II Highway. Access is sought to the site from the B4362 via a new access to the west of the application site.

Consent is sought in outline with all matters reserved except for access for the proposed residential development of 27 houses to include creation of a new vehicular access.

Consultee Response

Presteigne Town Council-

The above application was considered at the Town Council Meeting last night. Members wish to make the following comments:

The need to retain or replace existing hedgerows must be a condition of the application and fully enforced; the Town Council would like to point out that it was consulted on the principle of development on the site but not on the actual application itself;

The Town Council assumes that Welsh Water will be fully consulted on the sewerage capacity in the town but would like to point out that there are serious capacity issues in the town;

Page 7(2.1) of the Flood Risk Assessment refers to a different site completely - the Town Council would like the accompanying data to be checked and confirmed in case of further 'cut and paste' issues;

Finally and most importantly the Town Council has sought clarification from Hughes Architects on the amount of affordable housing to be provided and has received an email confirmations that "4 of the self -building shall be affordable via a Section 106 and that 5 other houses shall be provided by a Section 106 as affordable houses also". The Town Council would wish these to be provided and asks that this is ensured through a relevant Section 106 agreement.

Given the short time scale the Council may add to or amend these comments at a later date should it receive representations from the public.

Subject to the above the Town Council has no objections to the application.

PCC - Building Control-

Building regulation approval will be required.

PCC – Highways-

The County Council as Highway Authority for the County Class II Highway, B4362

Wish the following recommendations/Observations be applied Recommendations/
Observations

The highway Authority has no objection to the principle of the development, in terms of the potential impact the development would have on the immediate and wider highway network. Although the current proposal only shows an indicative layout with most matters reserved for future consideration, it is noted that the means of access to the development is to be determined at this stage.

The B4362 county highway which serves the site is within a 40mph speed limit and therefore the proposed site access visibility splays of 2.4 metres x 90 metres are considered appropriate in this instance and will be conditioned accordingly. The footway provision shown across the development frontage will provide adequate links to the wider pedestrian facilities available. The adjacent field gate will need closed up as part of the proposals and therefore access to the field to the south will need to be provided from a new access off the new estate road; the location and construction details for such will need to be agreed as part of the "reserved matters" application

The proposed road geometry and road widths shown on the drawing are generally in line with PCC design standards and would therefore in principle appear satisfactory; however footway provision and suitable pedestrian crossing facilities will be required on both sides of the internal developed frontage. Detailed longitudinal and cross sectional drawings showing the vertical and horizontal alignments of the internal access road and surface water drainage levels will also need to be submitted as part of the reserved matters application.

Whilst the Drainage Strategy for the site alludes to the use of Suds techniques to manage highway surface water “runoff” it is noted that no detail has been submitted, or land set aside to house such a system. The detail will need to be considered and agreed at the reserved matters stage. Accordingly, I would recommend that the following conditions be attached to any consent granted.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 15 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 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 and 90 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 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 15 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.

HC9 Prior to the occupation of the development, provision shall be made within the curtilage of each dwelling for the parking of vehicles in line with CSS Wales 2008 Parking Standards. The parking areas shall be retained for their designated use in perpetuity.

HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain 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 0.3 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.

HC19 No building shall be occupied before the estate road carriageway and one footway, to include the frontage footway, shall be constructed to and including binder course level to an

adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC22 Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is 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.

HC31 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.

18th October 2016-

I refer to the amended plan relating to the above site and have no further comments to make.

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.

I refer to our recent telephone conversation and planning application P/2016/0819 for 27 dwellings on Land opposite Kings Court, Presteigne. As you will be aware, the foul discharges from the development would drain to our Presteigne Waste Water Treatment Works (WwTW). On the 16 February 2016 we wrote your colleague Holly Hobbs regarding our concerns around the capacity of our WwTW to accommodate all the proposed Local Development Plan allocated growth.

In light of our concerns regarding the impact of anticipated growth in the catchment we have worked closely with our Operational colleagues to review the issues at the WwTW. Consequently we advised that we were satisfied that the works can, as of 16 February, accommodate the foul discharges only from a maximum of 31 residential properties only. The Commissioning of any additional properties would require improvements to be undertaken at the WwTW, derived from Studies to be funded by developer(s).

In light of the above, and mindful that there are planning application currently before your Authority for determination as well as those which have been determined since the 16 February, see below

P/2016/0137 2 no. dwelling pending
P/2016/0128 4 no. dwellings pending
P/2016/0393 1 no. dwelling pending
P/2016/0819 27 no. dwellings pending

P/2016/0405 Live/work unit approved
P/2015/1122 1 no dwelling approved
P/2015/1257 1 no dwelling approved

We are conscious that you will need to consider how the available capacity at the Works will be proportioned to development in the area. For the avoidance of doubt, we maintain our objection to any development that would exceed the maximum available capacity at Presteigne WwTW, and therefore look to you to ensure that this public asset is protected via the planning process.

In relation to the proposed development currently being considered in the catchment by the Local Planning Authority we would be grateful for clarification of your intentions at the earliest opportunity.

We trust the above information is self-explanatory. However, if you have any queries please contact Maria Evans.

National Resources Wales-

1st September 2016

Outline: Proposed residential development of 27 dwellings to include creation of new access Land opposite Kings Court, Presteigne

Thank you for referring the above consultation received by us on 7th August 2016.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirement & Conditions

Requirement 1

Submission of an adequate site specific Flood Consequence Assessment in support of this application utilizing the best available information available and with level of flood risk posed to the site quantified in terms of flood depths and associated hazards.

Condition 1- Mitigation described in section 4.3.2 Habitats. 4.4.2 Badger. 4.4.3 Bats. of

Wilson. S. (2016). Land opposite Kings Court Presteigne. Turnstone Ecology Limited - should be Implemented and included In the detailed design

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan.

Flood Risk

The planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN1 5. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Clatter Brook.

We refer you to Section 6 of TANI 5 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TANI 5).

Notwithstanding this policy advice, the decision as to whether a development is justified is entirely a matter for your authority. For this reason, we have reviewed the flood consequences assessment (FCA) (Compiled by Woodsyde Developments, dated May 2015, no other reference) submitted in support of the application, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property. Our advice to you is that the FCA is inadequate relative to the scale and nature of the proposed and does not allow us to make an informed response to you in relation to TAN15 criteria.

The deficiencies in the FCA are;

References to flood zones 1, 2 and 3 and PPS25 are misleading in terms of TAN15. A large portion of the site is in DAM C2, so the above policy advice is relevant. The FCA has clearly been used as a template for another site and so incorrect grid refs and site addresses are not helpful to all parties.

The Stage 2 Strategic Flood Consequences Assessment considered this site specifically, under site ref 414. Halcrow produced detailed hazard and flood extent maps for Presteigne and an explanation of the flood risk associated with the Clatter Brook, not the River Lugg. References in the May2015 FCA to the River Lugg are therefore misleading in the context of this site.

Recommendations from the Stage 2 SFCA include;

‘The modelling suggests that the overland flow route from the Clatter Brook to the west, is caused by out of bank flows upstream of the Hereford Street structure. If this structure is blocked, as demonstrated by the blockage scenario, then this route causes an increased Flood risk to the site.

The LPA need to consider whether this site should proceed, as management of consequences are unknown. In addition, the LPA Will need to be satisfied that access I egress to the site can be achieved In line with guidance set out in TAN15. Consultation with Emergency Services I Emergency Planners re access I egress is recommended. Any site

specific FCA should consider access to the site to the north via the B4362. It should also consider blockage of the Hereford Rd. culvert and the impact of the development on third-parties.'

The site specific FCA has not made any reference to the SFCA. Halcrow were specifically commissioned to consider promoted sites and perceived risks. Any site specific FCA should consider the findings of any SFCA work and take advantage of the detailed modelling that Halcrow carried out. Whilst the hydrology may require updating, it is still considered to be the best information available and should form the basis of any FCA in terms of assessment of level of risk, hazard and possible mitigation.

Proposed re-contouring of the site in order to mitigate against overland flood flow routes has not been supported by any detailed calculations to quantify that such mitigation would be feasible or whether third parties could be affected as result of alteration to the existing topography.

We would advise that the source of the flooding is addressed, i.e. has culvert blockage problem been resolved or could it in conjunction with the Lead Local Flood Authority, rather than the consequences of flooding on the site. Relative to the scale and nature of the proposed, an off-site problem should be considered proportionate in order to facilitate a highly vulnerable development. Of course, there would be a wider benefit to existing properties that could be considered at risk of flooding.

All surface water drainage proposals will need consideration by the Lead Local Flood Authority.

In summary, the site specific FCA submitted in support of this application is inadequate as It has not used best information available nor has it quantified the level of flood risk posed to the site in terms of flood depths and associated hazards.

We advise that the FCA sources the SFCA information from Powys County Council and interrogates that data in relation to TAN15 requirements.

European Protected Species

The application is supported by an Ecological Assessment (1 August 2016) by Stephen Wilson of Turnstone Ecology. We consider the ecological submission to be appropriate and proportionate for the purposes of informing the planning decision making process and we concur with the submitted conclusions and mitigation in sections 4.3.2 Habitats, 4.4.2 Badger, and 4.4.3 Bats. If badgers are disturbed a license would be required from NRW.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species.

The proposal is not likely to affect any fully protected British protected species. Therefore we have no objection regarding species to the submitted proposals. We advise that the following conditions are attached to any planning consent;

Condition 1 —Mitigation described in section 4.3.2 Habitats. 4.4.2 Badger. 4.4.3 Bats, of Wilson. S. (2016). Land opposite Kings Court Presteigne. Turnstone Ecology Limited -should be implemented and Included in the detailed design

Reason: To mitigate adverse effects on protected species and enhance natural habitats.

Pollution Prevention

The pollution prevention guidelines have been withdrawn from the English Environment Agency website although they are still applicable in Wales and can be found on the netregs website at the following link

Condition 2- A condition requiring submission and implementation of a Prevention Plan

Reason: To protect the water environment from potential pollution during the construction phase.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All surface water must be discharged via an interceptor. If any dewatering is to occur NRW must be notified first as a permit may be required. Any excavation water must be free of contaminants (e.g., fuel soils etc). If concrete wash water is to be discharged this may require treatment before discharge and may require a permit.

Any waste material stored, used or disposed of must be done so in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times — and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 080080 7060.

Foul Drainage

The proposal site is within the sewerage catchment area for Presteigne. For a housing development of this size we strongly recommend that it is connected to the main sewer network of Presteigne.

Any private waste water treatment plant would require a permit from NRW and elsewhere we have refused such permits in areas served by mains sewer networks.

When connecting to the public sewerage system, Dwr Cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the

additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

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.

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.

Additional correspondence received on the 13th November 2017-

Thank you for your consultation received on 5th October 2017. We previously responded to this case on 1st September 2016 (CAS-22193-P4S5), 7th November 2016 (CAS-24778-J2G9) and 14th February 2017 (CAS-28868-F6J5). Please see our letter of 1st September 2016 as the advice on European protected species, pollution prevention and foul drainage is still applicable to this case.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the conditions listed below. We would object if the consent does not include these conditions.

Summary of Conditions

Condition 1: To mitigate the residual flooding risks a combination of options 1 and 3 as detailed in the Flood Consequence Assessment (FCA) (Ref K0795/2 (Rev)) July 2017) section 4.5 Residual Risks should be utilised.

Condition 2: There should be no ground raising within the southern section of the red line boundary, nor should there be any future built development within the southern field.

Flood Risk

In our previous responses, we had significant concerns relating to flood risk and there was an outstanding requirement - 1: Submission of an adequate site specific Flood Consequence Assessment in support of this application utilizing the best available information available and with level of flood risk posed to the site quantified in terms of flood depths and associated hazards - to be resolved prior to determination of the case.

The planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis (pending due to flood map challenge), confirms the southern field to be at nominal risk from the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Clatter Brook.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

If your Authority is minded to approve the application contrary to TAN15, our advice in accordance with TAN15 is as follows;

A Flood Map Challenge Report (K0795Rep1Rev1) compiled by Hydrologic Services has now been reviewed and accepted by NRW.

The flood map and Development Advice Map (DAM) are now pending updates due to the flood map challenge, please see Figures 1 and 2 for the revised outlines.

The revised flood map indicates that the proposed 'built' development is outside DAM C2 and therefore there is no predicted flood risk to the built development during the recognised extreme flood event.

A Flood Consequence Assessment (FCA) (Ref K0795/2 (Rev)) July 2017) compiled by Hydrologic Services has also considered the residual flood risks associated with various scenarios.

Results show there is a residual risk that the proposed development could be flooded as a result of Culvert 2 (Greenfield Road) on the Clatter Brook being blocked (90% blockage scenario modelled). However, the risk of Culvert 2 becoming blocked is considered small. It is likely that debris leading to blockage would be trapped by Culvert 1, located upstream of Culvert 2 and leading to flooding on other routes. Due to the small section of open channel between Culvert 1 and Culvert 2, it is unlikely that enough debris could accumulate to create a 90% blockage of Culvert 2.

However, to address this low probability, low consequence risk, mitigation measures have been considered within the FCA under section 4.5 Residual Risks on page 30 including;

- Option 1: Perimeter ditch
- Option 2: Raise ground levels on site by 0.245 m, and
- Option 3: Finished Flood Level of dwellings

We advise that any mitigation to safeguard against low risk of residual shallow flooding should be sustainable rather than requiring extensive maintenance and intervention during the operational phase of the development. A composite solution of raised floor levels and a perimeter ditch would be a proportionate solution to the residual risk.

If the finished floor levels of the proposed buildings are located at least 0.245 m above current ground levels (as detailed in Option 3) this would place the northern field of the site beyond the limits of the 1:1,000 year fluvial flood on the Clatter Brook, with a 90% blockage of Culvert 2. A perimeter ditch (as detailed in Option1) would provide further assurance mitigating residual flood risks.

Condition 1: To mitigate the residual flooding risks a combination of options 1 and 3 as detailed Flood Consequence Assessment (FCA) (Ref K0795/2 (Rev)) July 2017) section 4.5 Residual Risks should be utilised.

With regards to assessment of residual risks, including impacts on access, NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the LPA, in consultation with other appropriate bodies, to satisfy themselves that escape/evacuation is feasible. However, access within tolerable limits defined in Table A1.15 of TAN15 is achievable.

The southern section of the red line boundary is within DAM C2 which is not a suitable location for highly vulnerable development. The plans and the FCA show that while the access road is partly located at the northern edge of the field, there would not be any houses with the DAM C2 area.

Condition 2: There should be no ground raising within the southern section of the red line boundary, nor should there be any future built development within the southern field.

Advisory: All surface water drainage issues should be agreed with the Lead Local Flood Authority. The Lead Local Flood Authority should be consulted with regards to how successful/reliable the flood alleviation measures and warning scheme on the Clatter Brook have been. The long term maintenance of which will further reduce any perceived, remote risk to the development site.

Public Response

Six letters of objection and one letter of support have been received. The letters can be summarised as follows:

Objections

- No need for further housing
- Outside of development plan
- Dangerous access/highway impact
- Impact on local schools and services
- Prime agricultural land
- Sewerage impact
- Obstruction of views
- Limited bus routes in the area
- Affordable housing
- Surface Water impact

Support

- Never floods
- Close to school
- Good walking facilities in area
- Lovely place to live

Planning History

None

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15- Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20- Planning and the Welsh Language (2017)

Technical Advice Note 23 – Economic Development (2014)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14- Development in Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural land.

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP6 – Dwellings in the Open Countryside

HP9 – Affordable Housing in Rural Settlements

HP10 – Affordability Criteria

TR2- Tourist Attractions and Development Areas

DC9- Protection of Water Resources

DC10- Mains Sewage Treatment

DC11 – Non-Mains Sewage Treatment

DC13 – Surface Water Drainage

DC14- Flood Prevention Measures

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

Powys Residential Design Guide (2004)

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

Officer Appraisal

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

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

Principle of Development

The application site is located entirely outside but adjoins the settlement development limits for Presteigne as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

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

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

The latest Joint Housing Land Availability Study (JHLAS) published in 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”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

Sustainability

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.

The site itself is adjacent to Presteigne which is identified in the UDP as an area centre. Presteigne is served by a large range of community services and facilities including a primary and high school, leisure centre and fire station, day centres, numerous shops and public houses.

In light of the range of services located within a short distance of the development site, Officers consider that the development site to be a sustainable location for residential development.

Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates 27 dwelling of varying designs and scales including a mixture of detached, semi-detached and terraced dwellings.

The application is located adjoining the roundabout of the B4362 and B4356 county highways. Whilst separated by the County highway the site is considered to form a natural extension to the existing settlement of Presteigne and will follow on the built form of the adjacent residential estate of Kings Court and other residential properties.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the 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.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwellings have sufficient distance to not have an unacceptable adverse impact upon the amenities enjoyed by the occupants of neighbouring properties.

This layout is for indicative purposes only however it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the retention of the exiting native hedgerows which surround the application site. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the proposed developments landscape and visual impact can be appropriately managed.

In light of the above, it is considered that the proposed development fundamentally complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the B4362 of which is within a 40mph speed limit.

The Highway Authority has been consulted on this application and notes that the provision of a footway across the frontage will provide adequate links to the wider pedestrian facilities available.

The Highway Authority has confirmed that they have no objection to the principle of the development, in terms of the potential impact the development would have on the immediate and wider highway network subject to a number of recommended conditions.

In light of the Highway Officer's comments, and subject to the suggested conditions, it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

An Ecological Assessment by Turnstone was submitted in support of the application.

NRW have been consulted and have confirmed that they consider that the mitigation in sections 4.3.2 habitats, 4.4.2 Badgers and 4.4.3 bats are considered to be appropriate and proportionate, they therefore consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European Protected Species. The proposal is not likely to affect any fully protected British protected species and therefore subject to a number of conditions which secure the avoidance measures as identified within the Ecological report, NRW have confirmed that they have no objection to the proposed development.

It is considered that, in light of NRW's comments and subject to the inclusion of the suggested conditions, the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Presteigne is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

In the 2011 census the Presteigne ward reported that 9.3% of the population 3 years old and above spoke Welsh which was a decrease from the 2001 census which was 11.6%. It is considered that given the scale of the proposed development and importance of providing affordable housing, that the proposal would not have an adverse impact on Welsh Language and culture.

Affordable Housing/ Amenity Space

Under the Powys Local Plan Affordable Housing Topic Paper (Update), September 2016 the target affordable housing contribution for the 'Central' area is indicated as a 30% contribution.

Consent is sought in outline for 27 dwellings with 30% of the site being offered as affordable housing (8 dwellings). The provision and implementation of the affordable housing will be secured via an appropriately worded condition.

It is also noted that play areas/public amenity spaces have also been provided for within the proposed development. An appropriate amenity space in accordance with Field in Trust standards and its long term maintenance is recommended to be secured via an appropriately worded S106 agreement.

Subject to appropriately worded conditions and S106 agreement it is considered that the proposed development fundamentally complies with relevant planning policy.

Welsh Water

Concerns have been raised over the capacity of Presteigne Waste Water Treatment Works (WwTW) and Welsh Water have indicated that it is nearing capacity and that it can accommodate the foul discharges only from a maximum of 31 residential properties only. The connection of any additional properties would thereafter require improvement to be undertaken and funded by developers.

Given the scale of development is below the 31 specified within the Welsh water correspondence, it is considered that the proposed development is in accordance with relevant policies. A condition is recommended to be attached to any grant of consent ensuring that a scheme and full details of any proposed connection is submitted to the Local Planning Authority prior to the commencement of development.

Flood Zone

The application site is located partially within a C2 flood zone under the Development Advice Maps contained within Technical Advice Note 15. NRW were consulted and noted that insufficient information had been submitted to fully consider the potential impact of providing highly vulnerable development within a C2 flood zone.

A further Flood Consequence Assessment was submitted. The report was followed with a flood map challenge report which was compiled by Hydrologic Services which has been reviewed and accepted by NRW.

It was noted that the revised flood map indicates that the proposed built development is outside of the C2 flood zone and therefore there is no predicted flood risk to the built development during any recognised extreme flood event.

Therefore in light of the above and subject to the recommended conditions it is considered that flood risk can be managed to an acceptable level.

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.

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

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. It is considered that the need to increase housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.

The recommendation is one of conditional approval subject to a Section 106 agreement to secure amenity space provision within the application site in accordance with fields in trust standards within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

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 gradient of the access shall not exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. 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 0.6 metres above ground level at the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. 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.
7. 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 15 metres from the edge of the adjoining carriageway.
8. Prior to the occupation of the development, provision shall be made within the curtilage of each dwelling for the parking of vehicles in line with CSS Wales 2008 Parking Standards. The parking areas shall be retained for their designated use in perpetuity.
9. The gradient from the back of the footway/verge to the vehicle parking areas shall not exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. 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 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the -site may park within the site and both enter and leave the site in a forward gear.
11. No building shall be occupied before the estate road carriageway and one footway are constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
12. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
13. Prior to the first use of the new access provided any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
14. Upon formation of the visibility splays as detailed in 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.

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. The mitigation described in section 4.3.2 habitats, 4.4.2 badgers and 4.4.3 bats as outlined in the Ecological Assessment completed by Turnstone Ecology shall be implemented and completed in full accordance with the details as approved.

17. Prior to the commencement of development a pollution prevention plan shall be submitted to and approved in writing by the Local Development Plan. Development shall thereafter be completed in full accordance with the details as approved.

18. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

19. Prior to the commencement of development a phasing scheme for the provision of housing and affordable housing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

20. No development shall commence until a scheme, including an implementation scheme, for the connection with the public foul sewerage system has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

21. Prior to the commencement of development a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development.

22. Prior to the first occupation of the any dwelling on site Section 4.5 Residual Risks and in particular options 1 and 3 of the Flood Consequence Assessment (Ref K0795/2 Rev) (July 2017) shall be completed and implemented in full in accordance with the details as approved.

23. No permission is hereby granted for any ground raising within the southern section of the red line boundary.

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.
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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 interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
17. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
18. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
19. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
20. 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 in accordance with Policy DC10 of the Powys Unitary Development Plan (2010).
21. In order to ensure adequate land drainage is provided in line with policy DC13 of the Powys Unitary Development Plan (2010).
22. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
23. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.