

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0731	Grid Ref:	334217.1 314726.9
Community Council:	Bausley & Criggion	Valid Date:	Officer: 27/06/2017 Rachel Mulholland
Applicant:	P Rowley & S Withinshaw, Upper House, Longnor, Shrewsbury, SY5 7PP.		
Location:	Land to east of the Old Hand & Diamond Inn, Coedway, SY5 9AR.		
Proposal:	Outline: Erection of a dwelling, construction of vehicular access and installation of sewage treatment plant (some matters reserved).		
Application Type:	Application for Outline Planning Permission.		

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan and is recommended for approval.

Site Location and Description

The application site lies 24 metres to the east of the settlement development boundary of Coedway as defined by the Powys Unitary Development Plan (2010). The site is to be accessed via a new access from the B4393 county highway to the north of the site. The site has neighbouring residential dwelling to the east with access road between, a Public House to the west and agricultural fields to the south.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of one dwelling including the construction of a vehicular access and installation of a sewage treatment plant. This outline application is made with all matters except access reserved. An indicative layout of the site and scale of the proposed dwelling is given.

It is noted that the application was initially for two dwellings on this site; however, after discussions with the applicant this has been reduced to one dwelling.

Consultee Response

Bausley and Criggion Community Council

Correspondence received 2st July 2017

The Council have reviewed this application and object.

Whilst we appreciate that Powys overall has a housing supply requirement, we have a general concern in respect of the amount of new housing currently with applications in our community as, in total they would be in excess of any needs that the community has, particularly when including the site already identified in the LDP area. There is already an over capacity of houses of the proposed size in the whole area.

Highways – the extra junction between a lane, and the entrance to a busy pub, plus on a bend would be too close to both and cause confusion as to which entrance traffic is turning in. Of particular concern would be vehicle and proposed agricultural vehicles turning into the proposed entrance from the Welsh end as they will not have sufficient visibility to oncoming traffic, nor will traffic coming from the English direct see them, unlike the entrance that's currently and has been for some while used via the Hand and Diamond car park Highways should be aware of the more recent community traffic monitoring that has taken place over the last few months on the approach to the proposed site and entrance, which demonstrated that traffic is consistently exceeding the 30 mph speed limit.

The site is at the edge of the village not within it with only few properties spaced out after the Hand and Diamond and we do not feel that this should be considered as an infill in the development area.

We have received an objection from the resident of the property next to the site on the grounds of highways access, the height of the site which is much above the level of the property and one plot in particular will overlook and block light. Size of houses, risk of the soakaway on a field where parts are prone to the flood area are also mentioned.

You may wish to note that of the facilities mentioned in Coedway, there is no longer a shop or café, and the bus service does not run before 10am or after 4pm in the week.

PCC Highways

Correspondence received 9th November 2017

The County Council as Highway Authority for the County Class II Highway, B4393

Wish the following recommendations/Observations be applied
Recommendations/Observations

Recs:

1. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the proposed footway across the frontage of the site.
2. Prior to the occupation of any of the dwellings the footway, referred to above, shall be fully completed to the written approval of the local planning authority.
3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be

retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

4. The centre line of the first 10 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.
5. No other development shall commence until the access has been constructed so that there is a clear visibility splay 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 79 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.
6. Before any other development is commenced 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.
7. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of 3 excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
8. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 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.
9. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
10. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

PCC Building Control

Correspondence received 10th July 2017

Building Regulations application required.

National Grid

No comments have been received at the time of writing this report.

Severn Trent Water

Correspondence received 11th July 2017

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

PCC – Environmental Health

Correspondence received 12th July

Foul drainage

The proposal is to utilise a drainage field for the effluent from the two new sewage treatment plants, however no percolation tests have been carried out. It is important to establish whether the ground conditions are suitable for the proposed foul drainage scheme. Please can the applicant/agent submit percolation test results, in accordance with the method in approved document H2 of the Building Regulations, in order to confirm that the ground conditions are suitable for a drainage field and to determine the area of land required to accommodate the drainage field?

At present there is insufficient information therefore I would need to object to the application.

Correspondence received 16th August 2017

Thanks for forwarding the revised foul drainage plan for further comment.

I have no objection to the revised scheme, subject to NRW consent/exemption for the discharge to watercourse.

PCC Ecologist

Correspondence received 20th July 2017

Thank you for consulting me with regards to the planning application P/2017/0731 which concerns an outline planning application for the erection of up to 2 dwellings, construction of

vehicular access and installation of sewage treatment plants (some matters reserved) at Land to East of The Old Hand & Diamond Inn, Coedway, Powys.

I have reviewed the proposed plans, aerial and streetview images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 6 records of protected and priority species within 500m of the proposed development – there are no records for the site itself.

There are no statutory or non-statutory designated sites are present within 500m of the proposed development.

The report noted that the proposed site for development is an area of semi-improved neutral grassland, hedgerows, scattered trees and a stream.

The well-established hedgerow boundary along in combination with the tree lined watercourse to the south west boundary present provide a diverse site and to potentially form part of a connecting corridors of habitat of ecological value however the area improved grassland for which the development is proposed presence low ecological value of the proposed site.

I have noted from the supporting statement submitted that:

The development proposal will necessitate the removal of part of the hedgerow, to provide the highway access and footpath across the site, a replacement hedgerow will be planted to the rear of the visibility splay / footpath and the development proposal afford the opportunity to provide additional native landscape planting

and that:

landscape planting will also enhance the ecological value of the site

In addition UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

As such I recommend that a Tree and Hedgerow Replacement and Protection Plan is secured through an appropriately worded condition where it is necessary to remove any trees

or hedgerow this plan will need to identify appropriate compensation planting for the loss of these features to maintain the important foraging commuting features used by bats and other species at the site – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area. As identified the submission of this information could be secured through a planning condition.

As it is suggested in the planning statement development will provide landscaping as part of the potential development - If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

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

Given the proximity of proposed development to a watercourse to the south west of the proposed site and the nature of the proposed works it is considered that a pollution prevention scheme will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition.

It is recommended that reference is made to Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

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

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

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

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

Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,

November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development, a detailed landscaping scheme including details of species mix, planting specification and appropriate aftercare measures shall be submitted to and approved in writing by 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, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 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 Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales

Correspondence received 21st July 2017

Thank you for consulting Natural Resources Wales (letter dated 05/07/2017) regarding the above.

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.

Summary of Requirements and Conditions

Requirement 1 – FCA: Prior to determination the applicant submits a Flood Consequence Assessment.

Flood Risk

As identified in the Planning Application Supporting Statement, the proposal is located partially within the C2 zone and therefore at risk of flooding. The applicant has been in consultation with NRW in this regard and we are currently undergoing a flood map challenge QA process with their consultant to inform the Flood Consequence Assessment (FCA). We understand that an FCA will be prepared and submitted to your authority in due course. We should be asked for advice on this assessment in accordance with TAN15.

Our advice therefore is that the applicant needs to demonstrate, through submission of a FCA, that the consequences of flooding can be managed over the lifetime of the

development. In the absence of this evidence, we have significant concerns about this application as submitted.

Requirement 1 – FCA: Prior to determination the applicant submits a Flood Consequence Assessment.

The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to, and from, the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground/ They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website.

<https://naturalresources.wales/permits-and-permissions/water-discharges/?land=en>

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.

Correspondence received 16th October 2017

I am writing on behalf of Cinzia Sertorio (NRW Development Planning) who is away from the office for the next fortnight.

Specifically in relation to the flood map challenge that is referred to in the above correspondence, I can confirm that the challenge has been accepted by NRW and will be reflected in future amendments of the Flood Map & DAM, as detailed in the screenshots below.

On this basis, the proposed built development will be outside the recognised fluvial flood zone and therefore we have no objections on fluvial flood risk grounds. Best practice, however, should ensure that finished floor levels are set a nominal distance above adjacent ground level.

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 Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape/evacuation is feasible.

The attached letter from Hydrologic has explained the theoretical depths of flooding along the B4393.

Under the terms of the Flood and Water Management Act 2010, the Lead Local Flood Authority is responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses. We therefore advise that you liaise with your Drainage Department with regards to the proposed surface water management proposals.

Please note that this e-mail relates to the fluvial flood risk constraints, only. Other matters raised in our letter of the 21 July 2017 will be dealt with by Cinzia on her return.

Correspondence received 7th November 2017

The Development planning service team has not been consulted on any additional information from the LPA with regards to the above and therefore we have nothing additional to comment on.

Pete has made comments in respect of flood risk directly to Rachel Mullholland and these should be considered as an official response on flooding issues.

NRW had no other major concerns with this proposal and the standard advice provided in our response of 21 7 2017 CAS-35664-P4Q2 is still applicable.

Representations

Following display of a site notice on 11/07/2017 and publicity in the local press on 14/07/2017 two letters of objection have been received which can be summarised as follows:

- Concerns over the justification for the application on the grounds of housing need
- Impact on the amenities of nearby properties
- Flood risk and drainage concerns
- Highway safety concerns
- Impact on views enjoyed by existing properties

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 – Economic Development (2014)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP5 – Housing Developments
SP6 – Development and Transport
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures
TR2 – Tourism Attractions and Development Areas

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 lies outside of the settlement development boundary identified in 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 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 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".

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. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

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.

The development site is located approximately 24 metres to the east of the settlement boundary of Coedway with the provision of footways included in this application to the east and west of the site connecting to the existing footway into the village. Coedway is identified in the UDP as a small village and is served by a range of community services and facilities including a Public House and public transport links with regular bus services to Shrewsbury and Welshpool. The application site is located approximately 7 miles from Shrewsbury and 12 miles from Welshpool.

Concerns have been raised by local objectors over the sustainability of the area. Coedway is identified as a small village where opportunities for infill development may exist. In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development at this location given its siting less than 25 metres from a defined settlement. It is also considered that the number of dwellings recently consented together with the dwelling here sought consent for would not lead to the overall capacity of the settlement being exceeded. It is also noted that this application was initially for two dwellings but, after discussions with the agent over the sustainability of the area this was reduced to one dwelling.

Therefore, the proposed site is considered to be a sustainable location for residential development of one dwelling.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

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 for the site.

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 proposed single dwelling 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 dwelling is to be located in the centre of the site approximately 69 metres from the Public House to the northwest and 22 metres from the

neighbouring dwelling to the northeast with boundary hedgerow and an access lane between. Due to the suggested distances and positioning of the dwelling it is not considered that the proposed development will affect the amenities of the neighbouring dwellings.

Concerns have been raised by local objectors and the Community Council over the impact of the development on nearby properties including through loss of daylight and loss of privacy.

As this layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage it is considered that the proposed development fundamentally complies 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 proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission proposes additional planting at the plot boundary and within the 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 highway and the proposal would result in a visual change in comparison to the current open space, taking into account the location adjacent to an existing dwelling and the Public House, that landscaping measures would reduce the visual impact and the proposed scale of one dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development 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 B4386 via an existing access with a newly created entrance, parking and turning area within the site.

Concerns have been raised by local objectors regarding highway safety. The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding engineering details, footways, parking provision and access construction methods and materials.

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

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

With respect to biodiversity, specific reference is made to UDP policies ENV3, ENV4 and ENV5 which seek to maintain biodiversity and safeguard protected important sites. As such, the Powys Ecologist has been consulted with regard to this application.

The Ecologist reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. From the data search they identified 6 records of protected and priority species within 500m of the proposed development, although no records were for the site itself. The Ecologist noted that there are no statutory or non-statutory designated sites present within 500m of the proposed development.

No objection has been raised to the scheme subject to the inclusion of conditions securing the submission of a Tree and Hedgerow Protection Plan, a Pollution Prevention Plan, a detailed lighting design scheme and a detailed landscaping scheme.

It is noted that landscaping is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on tree and hedgerow protection, lighting and a pollution prevention plan, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Environmental Health

With regard to foul drainage it is proposed for the development site to utilise a sewerage treatment plant which discharges to a watercourse. Given the location of the site it is considered that this is feasible. The Council's Environmental Health Officer has been consulted on this application and has no objections to this. Severn Trent Water has also been consulted and has confirmed that they have no objections to the application.

Concerns have been raised by local objectors regarding the proposed drainage for the site; however, neither the Environmental Health Officer nor Severn Trent Water has raised any concerns or objections over these issues.

In light of the above it is considered that the proposed development fundamentally complies with the relevant planning policy in this regard.

Flood Risk

With regard to flood risk, reference is made to UDP policy SP14 regarding development in flood risk areas. As the application site is in close proximity to a C2 flood zone Natural Resources Wales have been consulted. Due to the location of the site, which NRW identified as being partially within the C2 zone, it was recommended that the application be accompanied by a Flood Consequence Assessment. Further information was submitted by the applicant with a formal flood map challenge submitted to NRW. After consideration of this information NRW accepted the challenge to the boundary location of the C2 flood zone and, on that basis, consider that the proposed application site is now outside of the recognised fluvial flood zone. NRW confirmed that they removed their previous objections on flood risk grounds.

With regard to the assessment of residual risks, including impacts on access to the site, it is necessary to consider possible escape/evacuation of the site to ensure that this is feasible and that the access levels are acceptable in relation to the flood zone. It is noted that with the amended C2 boundary the development site is wholly outside of the flood zone. The county highway is also affected by flooding but it is stated by NRW that these depths are considered to be shallow and low hazard and that the road slopes upwards towards the east so flood depths decrease in an easterly direction. The access point for this site is located at a more eastern position within the field away from the principle hazard.

In light of the above, it is considered that the development complies with relevant planning policy in this regard.

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Llandrinio has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Llandrinio Ward reported that 10.8% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 13.1% of the population of Llandrinio spoke Welsh. Whilst there are limited facilities in the area the scale of the development is not considered sufficient to have a detrimental impact on the cultural or linguistic vitality of the area.

Public Representations

Two letters of objection have been received which raised a number of concerns over the development including the matters of highways, drainage and amenity which have been addressed in the relevant sections above.

Concerns have been raised regarding the justification for the application on the grounds of housing need and the loss of views to neighbouring dwellings. It is noted that loss of views is not a planning consideration and, as such, has not been considered on this application.

With regard to the concerns over sustainability and the location of the site it is stated within the Powys UDP that Coedway has opportunities for infill development. It is also noted that the housing land supply is for Powys as a whole rather than individual settlements. It is also considered, after assessment of the proposals, that the application site is capable of accommodating the proposed dwelling.

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

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that

the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

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 strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: SA 25506 02 Rev B)
5. Upon the submission of the reserved matters referred to in conditions 1 and 2 above, plans detailing cross sections of the application site and finish floor levels of the dwellings provided must be submitted to the Local Planning Authority. The scheme must be implemented as approved.
6. Prior to the commencement of development full engineering details for the proposed footway across the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority.
7. Prior to the occupation of the dwelling the footway, referred to in Condition 6, shall be fully completed to the written approval of the Local Planning Authority.
8. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
9. The centre line of the first 10 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.
10. No other development shall commence until the access has been constructed so that there is a clear visibility splay 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 79 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.

11. Prior to the commencement of 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 the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of 3 excluding any garage space provided. The parking area shall be retained for its designated use in perpetuity.
13. Prior to the commencement of 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. The width of the access carriageway, constructed as Condition 10 above, shall be not less than 5.5 metres for a minimum distance of 15 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.
15. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard 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. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to and agreed in writing by the Local Planning Authority and implemented as approved and maintained thereafter..
18. Prior to the commencement of development a Pollution Prevention Plan shall be submitted to and agreed in writing by the Local Planning Authority and implemented as approved and maintained thereafter.
19. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as approved and maintained thereafter.

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 safeguard the character and appearance of the area in accordance with policy ENV2 of the Powys Unitary Development Plan.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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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 comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.
18. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
19. 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 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk.

