

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0450	Grid Ref:	305271.91 259253.31
Community Council:	Disserth and Trecoed	Valid Date:	Officer: 24/04/2017 Thomas Goodman
Applicant:	Mr Ken Bentley, Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL		
Location:	Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL		
Proposal:	Outline - Erection of four dwellings and associated works - some matters reserved		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010).

To the west of the application site runs the A483 trunk road, to the east of the application site is agricultural land. To the north and south are residential dwellings. The application site measures approximately 0.33 hectares.

Consent is sought for outline permission for the erection of four dwellings (1 affordable and 3 open market) and the creation of a new access. With details relating to the appearance, landscaping, layout and scale all reserved for future consideration.

Consultee Response

Disserth and Trecoed CC

No objections were made.

PCC Highways

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC Building Control

Building regulations will be required, if you require any further information please do not hesitate to contact me.

Welsh Water

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

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

Sewerage

Conditions

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

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

PCC Environmental Health

Due to the residential nature of the setting, Environmental Protection would require measures to be in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This service would recommend that the construction period working hours and delivery times be restricted as follows:

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

- 0800-1800 hrs Monday to Friday
- 0800-1300 hrs Saturday
- At no time on Sundays and Bank Holidays

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

Also, I would request that no burning to be undertaken on site.

Welsh Government Transport

Consultation response received 26/07/17:

I refer to your consultation of 26/07/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A483 trunk road, which must incorporate the following aspects:-
 - a) Visibility Splays in either direction from a suitable set-back.
 - b) Gradient of the access road and the A483 trunk road carriageway
 - c) Access width and radii dimensions
 - d) Access surfacing type along with depth and width dimensions
 - e) Parking areas

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

The following points should be brought to the attention of the applicant:

- A) The access from the trunk road must accommodate 2 way traffic movements and therefore should be a minimum of 6m wide preferably 7.3m).

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

Consultation response received 27/09/17:

I refer to your consultation of 26/07/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

- 1) The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no. PL01 Job No. 17-00526).
- 2) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system.
- 3) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The above conditions are included to maintain the safety and free flow of trunk road traffic. If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

CPAT

While there are no direct impacts to recorded archaeology arising from this proposed development the new buildings will be erected within 50 metres of scheduled monument RD 145 (Earthwork Enclosure north of Caer Du) and within 135 metres of scheduled monument RD 030 (Caer Du Enclosure). There may be a visual or setting impact and Cadw should be consulted for their comments via amadminplanning@wales.gsi.gov.uk

Built Heritage

Consultation response received 25/07/2017:

The listed milestone is very very close to the current access. The existing plans do not appear to indicate any changes to the access, however there may be highway requirements for visibility splays etc that may potentially involve relocating the listed milestone.

As my concerns would be more on the physical impact on the milestone than its setting, would it need to be relocated etc, I think it would be best to comment when the requirements from Highways have been received. Could you let me know when WG send their comments in please and then I can comment on the highway requirements

Also noted that the site lies between 4 SAMS RD145 Earthwork 100m N of Caer Du with RD030 Caer Du and on the opposite side of the railway line RD126 Roman Earthworks and

RD134 Llandrindod Common Roman Practise Camps. If Cadw have not already been consulted on this one in terms of setting of SAMs then could we consult them please.

Consultaiton response received 03/10/17:

The proposal is for outline consent with some matters reserved on land adjacent to a number of historic assets namely;

Scheduled Ancient Monuments:

RD145 Earthwork 100m N of Caer Du

RD030 Caer Du

RD126 Roman Earthworks S of Llandrindod Wells

RD134 Llandrindod Common Roman Practise Camps

Listed Building:

Cadw ID 83350 Milestone on A483

As Cadw are the consultee for applications affecting the setting of Scheduled Ancient Monuments I shall refer to their comments in this regard and my comments will be solely in respect of the listed building.

I am mindful of the advise in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a..the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a

distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The milestone is a roughly hewn stone block inscribed, in black-painted letters, 'To ye WELLS' and 'To BUILTH 6M

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The milestone was probably erected in 1759 (the date is on another milestone in the series) and is listed for its special historic interest as part of a series of well-preserved C18 milestones on the A483 between Llandrindod Wells and Builth Wells

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The milestone is an important reminder of former turnpike roads and the historical droving system which linked Mid Wales with the markets in England.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The milestone is adjacent to the A483 and is easily understood by the viewer.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The milestone is within the hedge bounding the site in close proximity to the existing access. The site currently contains buildings and the function of the milestone to provide information for those using the turnpike (now the A438), and as such it is not considered that the erection of dwellings to land to the rear of the milestone would affect the setting of the milestone. There are milestones in rural locations and also within towns and as such the legibility of the milestone, or its sense of place would not be affected by the erection of dwellings to the rear.

However, it is understood that an improvement to the access will be required to enable the development of the site for houses. No details were available on the portal in respect of the proposed visibility splays and as such it is not possible to ascertain if the listed milestone would be within the visibility splays or access improvements, and if the milestone would need to be located.

Should the milestone need to be relocated, it is likely to require listed building consent. The slight relocation along the stretch of hedgerow could be beneficial to the setting of the listed milestone being that it is now within a hedgerow that is relatively thick and although well maintained screens the milestone in parts and the trimming of the hedgerow could potentially inadvertently lead to accidental damage of the listed milestone.

However as the application is made in outline with matters reserved, there are insufficient details at this stage to comment on the outcome of the listed milestone. I would request that an informative note be attached to the granting of any permission, advising that full details of the treatment of the milestone, including careful excavation of the milestone, and its relocation details both the location and methodology be included with the reserved matters application along the consent from the owner if not the applicant and that potentially a listed building consent application for the works to the milestone may be required.

It is suggested that care be taken in the new location of the milestone to relocate it as close as possible to the current location and within the public domain.

Subject to the treatment of the listed milestone being secured at the reserved matters stage, I would not wish to object to the current proposal on the setting in respect of the setting of the listed building.

Cadw

Consultation response received 25/05/17:

Thank you for your letter of 20 April 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on

scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance.

PPW explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application area is some 50m west of scheduled monument RD145 Earthwork 100m N of Caer Du, Howey; 110m northwest of scheduled monument RD030 Caer Du; 160m east of scheduled monument RD126 Roman Earthworks S of Llandrindod Wells and 270m south of the scheduled monument RD134 - Llandrindod Common Roman Practice Camps.

The existing garden centre comprises a number of glass houses and a shed. All of these structures are single storey and lightweight in appearance. The application (which is outline) suggests that the proposed development will consist of 4 bungalows that will have accommodation in the roof space. As such the proposed development will be considerably higher and more substantial than the existing garden centre buildings. It is therefore likely that the proposed development will have an impact on the setting of the scheduled monuments identified above. This will be a material consideration in the determination of the current planning application (see Planning Policy Wales 6.5.5); however, however, the submitted application contains no information on this issue.

The Welsh Government will be issuing the document “Setting of Historic assets in Wales” on the 31st May 2017 and we strongly recommend that your authority requests the applicant submits an assessment of the impact of the development on the setting of the scheduled monuments identified in accordance with the guidance contained in this document.

Consultation response received 07/11/2017:

Thank you for your letter inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument listed in our assessment of the application below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government’s land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

An assessment of the impact of the proposed development on the settings of the scheduled monuments prepared by the Scourfield Consultancy has been submitted in support of this application. This report concludes that the proposed development will cause additional negligible damage to the settings of scheduled monuments Caer Du RD030 and Earthwork 100m N of Caer Du, Howey RD145 and cause no impact on the settings of Roman Earthworks S of Llandrindod Wells RD126 and Llandrindod Common Roman Practice Camps RD134. We concur with these assessments.

Representations

Following the display of a site notice and press advertisement, no representations have been received at the time of writing this report.

Planning History

PR/151603 – Full: Erection of office and detached store with covered porch – Approved – 18/01/2000

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

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 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
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
ENV14 – Listed Buildings
ENV17 – Ancient Monuments and Archaeological Sites
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions

Powys Residential Design Guide (October 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

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

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 4.9.1 of Planning Policy Wales states that previously developed land should, wherever possible, be used in preference to greenfield sites. The site is currently a garden centre and as such is classified as previously developed land.

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) 2015 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Sustainability

Consideration needs to be given to whether the site is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

Although located in the open countryside, the site is within close proximity to the settlements of Howey and Llandrindod Wells which are located approximately 200 metres and 400 metres away from the settlement development boundaries respectively. Howey is classed as a key settlement within the Powys UDP and Llandrindod Wells an area centre as defined by the Powys Unitary Development Plan (2010). Llandrindod Wells benefits from a large number of services such as schools, retail units as well as estate agents, butchers and hair dressers. It is noted that a footpath is provided from the development site to the settlements of Llandrindod Wells and Howey. Howey and Llandrindod Wells also benefit from a number of public transport provisions including Railway and Bus links.

In light of the site proximity to area centres and the limited scale of the development, Officers consider the proposed scheme is on balance appropriate in relation to sustainability.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

The proposed development seeks to enhance the existing means of access to the development site and details of the amended access and visibility splays have been received. Welsh Government Trunk Road Agency has been consulted on the proposed development and after seeking clarification, are satisfied with the proposed development. The TRA have also requested that a condition be secured in order to ensure the applicant enters into a S278 agreement in order to carry out the works to the access onto the trunk road. This agreement is covered under separate legislation and the applicant would be required to enter into this agreement separately in order to carry out the works. A condition to secure this will therefore not be attached to any granting of consent.

In light of the above and subject to the attachment of appropriately worded conditions the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Appearance, Layout and Scale

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 Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development in terms of noise and foul drainage from the development site. The Environmental Health Officer has requested that the construction period working hours and delivery times be restricted in order to protect the neighbouring properties in line with policy GP1 of the Powys UDP.

It is noted that the proposed development seeks to connect to the mains sewer and therefore fundamentally complies with policy DC10 of the Powys Unitary Development Plan (2010).

In light of the above the proposed development subject to the attachment of appropriately worded conditions complies with policies GP1 and DC10 of the Powys Unitary Development Plan (2010).

Affordable Housing

It is noted that the applicant has proposed that one of the four dwellings (Plot 1) will be constructed as an affordable dwelling. In light of this, the proposed development fundamentally complies with the affordable housing of the Powys Unitary Development Plan.

Listed Buildings

Policy ENV14 of the Powys Unitary Development Plan (2010) states that proposals for development which unacceptably adversely affect a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting, account will be taken of the following: The desirability of preserving the listed building and its setting; the importance of the building, its intrinsic architectural and historic interest and rarity; the effect of the proposals on any particular features of the building; the building's contribution to the local scene; the condition of the building and the need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design.

Powys County Council's Built Heritage Officer has been consulted on the proposed development. The listed milestone is located within close proximity of the current access, it is noted that highway requirements for visibility splays may involve the relocation of the listed milestone. The Built Heritage Officer's concerns are on the physical impact on the milestone rather than the impact upon its setting. The milestone is a roughly hewn stone block inscribed in black painted letters 'To ye WELLS' and 'To Builth 6M'. It is noted that the milestone was probably erected in 1759 and is listed for its special historic interest as part of a series of well-preserved 18th Century milestones along the A483. The milestone provides an important reminder of former turnpike roads and the historical droving system which linked Mid Wales to the markets in England.

Given that access improvements will be required to enable the development of the site the milestone will need to be relocated. This will require a separate listed building consent prior to the commencement of development. The Built Heritage Officer has stated that the slight relocation along the stretch of the hedgerow could be beneficial to the setting of the listed milestone, as at present it is within a thick hedgerow and during on-going hedge cutting of the hedgerow is likely to be damaged inadvertently. The Officer has stated that an informative note be attached to the granting of any permission, advising that full details of the treatment of the milestone, including careful excavation of the milestone and its relocation details and methodology be included within the reserved matters application. It is noted that a listed building consent application be approved prior to the commencement of development. The Officer has asked that the relocation of the milestone be as close as possible to the current location and be located within the public domain. The Officer therefore does not object to this application in terms of the setting of the listed building subject to the addition of an informative note.

Scheduled Ancient Monuments (SAM) and Archaeological Sites

Policy ENV17 of the Powys Unitary Development Plan (2010) states that development which would unacceptably affect the setting of a scheduled ancient monument or of an archaeological site of national importance will not be permitted and other sites of archaeological importance will be safeguarded where possible.

CPAT have been consulted on the proposed development and has stated that there are no direct impacts to recorded archaeology arising from this proposed development. However, it is noted that the new buildings will be erected within 50 metres of a SAM known as Earthwork Enclosure north of Caer Du and 135 metres of SAM 'Caer Du Enclosure'. CPAT

have therefore advised that Cadw should be consulted on the proposed development on whether there is an impact upon the visual or setting impact of the SAM's.

Cadw have been consulted on the application and initially stated that the application was inadequately documented in relation to the impact upon SAM's. Cadw noted the close proximity of several SAM's and added to the list made by CPAT. The additional SAM's include the Roman Earthworks and the Llandrindod Common Roman Practice Camps, which are 160 metres and 270 metres from the application site. Cadw have also noted that the garden centre consisted of a number of glass houses and a shed all of which are single storey in height and have a lightweight appearance. Cadw have noted that the development will consist of 4 bungalows that will have accommodation within the roof space and therefore be higher and more substantial than the previous buildings. Cadw therefore requested that an assessment be carried out in order to establish the impact the development will have on the setting of the SAM's.

Following the submission of an assessment the proposed development will have on the impact upon SAM's, Cadw have been re-consulted. Cadw have carefully considered the information provided and have no objections to the impact of the proposed development on the SAM's and have no further comments.

In light of the above the proposed development fundamentally complies with policy ENV17 of the Powys Unitary Development Plan (2010).

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. Given the scale of the development and the provision of an affordable dwelling, the development is unlikely to have an adverse impact on Welsh language and culture.

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 a departure from the development plan, in this instance, the provision of housing within an existing village is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies.

The recommendation is therefore one of conditional approval.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of each dwelling and its respective plot shall be submitted to and approved in writing by the local planning authority before any development begins on each individual plot 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 of each individual plot 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 in respect of that plot, whichever is the later and subject to Condition 12.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: PL01, 4664/SP & 4664/1).
5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
6. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

· 0800-1800 hrs Monday to Friday

- 0800-1300 hrs Saturday
- At no time on Sundays and Bank Holidays

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

7. No materials or substances shall be incinerated within the application site during the construction phase.

8. The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no. PL01 Job No. 17-00526)

9. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system.

10. 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 25% 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.

11. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

12. In line with Conditions 1 and 3 above, the site shall be developed on a plot by plot basis and subject to the affordable housing condition above, development shall only take place on each individual plot once the respective details for that plot have been submitted to and approved by the Local Planning Authority and once all common road improvement works, access, parking and other infrastructure has been provided, as required by the conditions above.

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 public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
6. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
7. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
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. To ensure the timely provision of affordable housing in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.
11. To ensure the timely provision of affordable housing in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.
12. In the interest of ensuring an orderly and timely development and to protect the amenity of the area in accordance with policy GP1 of the Powys Unitary Development Plan.

Informative Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Listed Building

Full details of the treatment of the milestone, including careful excavation of the milestone, and its relocation details both the location and methodology be included with the reserved matters application along with the consent from the owner if not the applicant and that potentially a listed building consent application for the works to the milestone may be required.

Case Officer: Thomas Goodman- Planning Officer
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