

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

**Application No:** P/2017/0970

**Community Council:** Llanfyllin  
**Applicant:** Powys County Council

**Officer:**  
Eddie Hrustanovic

**Location:** Llwyn Y Rhedyn, Station Road, Lanfyllin, Powys SY22 5DE

**Proposal:** Creation of new car parking arrangement and footway,

**Application Type:** Application for Full Planning Permission

### The reason for Committee determination

As the applicant is Powys County Council Housing Department.

### Site Location and Description

The site subject to this application is located within community council area of Lanfyllin. The site is located at the front of Llwyn Y Rhedyn bungalows adjacent to Station Road. The bungalows are managed by Powys County Council Housing Department. Currently there is a large lay-by style parking provision, while the existing footway at the front of the bungalows is in poor state of repair as well.

The proposed works are in respect of parking arrangements upgrade and access/footpath improvements in front of no's 1 – 8 Llwyn Y Rhedyn. This work is the latest in a number of projects that Housing have been undertaking to their older persons accommodation, in order to promote tenant independence and reduce the risk of trips and falls.

The proposed works involve excavation into an existing footway and grassland, then resurfacing the area to create parking bays in order to accommodate tenants' vehicles. A new pedestrian footway will be also constructed around the new parking bays to accommodate pedestrian traffic.

### Consultee Response

#### Community Council

No reply received

#### PCC Highways

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for the proposed car parking and footway alterations along the Unclassified U5005 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Within one month of the commencement of the development, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

#### Wales and West Utilities

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Please note that this is a Liquid Petroleum Gas (LPG) network Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

#### PCC Environmental Health

I have no objection to the application.

#### County Ecologist

Thank you for consulting me with regards to planning application enquiry P/2017/0970 which concerns the full planning application for creation of new car parking arrangement and footway for residents of Llwyn Y Rhedyn, Llanfyllin, Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed developments. The data search identified 107 records of protected and priority species within 500m of the proposed development – no records were for the site itself. There are no non-statutory or statutory designated sites within 500m of the proposed development.

The habitats affected by the proposed developments are areas of existing hardstanding and amenity grass – which are habitats considered to be of low ecological value. With regards to protected and priority species identified as present in the local area by the data search it is not considered likely that the proposed development would result in negative impacts to these species and no surveys are considered necessary.

Therefore the proposed developments will **not result** in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

### **Representations**

No public representations received

### **Planning History**

None

### **Principal Planning Constraints**

None

### **Principal Planning Policies**

#### National Policies

Planning Policy Wales (Edition 9, November 2016)  
Technical Advice Note 5: Nature Conservation and Planning.  
Technical Advice Note 18: Transport (2007)

#### Local Policies

DC1 – Access by Disabled Persons  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
TP1 – Highway Improvement Schemes

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

UDP policy GP4 sets out the general requirements applied to all highway developments such as this proposal. The main planning considerations relating to this type of proposal are adequate provision for visibility, turning, and passing and dropped kerbs. The proposed works are in respect of parking arrangements upgrade and access/footpath improvements in front of no's 1 – 8 Llwyn Y Rhedyn. This work is the latest in a number of projects that Housing have been undertaking to their older persons accommodation, in order to promote tenant independence and reduce the risk of trips and falls.

In light of the above it is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy subject to the following:

### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The proposed works involve excavation into an existing footway and grassland, then resurfacing the area to create parking bays in order to accommodate tenants' vehicles. A new pedestrian footway will be also constructed around the new parking bays to accommodate pedestrian traffic. The proposed driveway will be finished with tarmac as well as new footway.

The Local Highway Authority has been consulted regarding the application as Highway Authority for the County Unclassified Highway U5005. The Highway Authority noted whilst it is not opposed to the development and the alteration to the footway, the Highway Authority will require further details to be submitted prior to any works being commenced, to ensure that the finished gradient is suitable for all users. The Highway Authority recommended the inclusion of two conditions.

In light of the above it is therefore considered that the proposed development will fundamentally improve the existing access and parking arrangements to the properties and will therefore provide a safer access to the dwellings as well as providing suitable access for wheelchair users.

It is therefore considered that subject to the recommended conditions the proposed development fundamentally complies with UDP policy GP4.

### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

It is considered that the proposed development will not have an unacceptable impact on any neighbouring properties in terms of loss of daylight or a negative impact upon any loss of privacy of neighbouring dwellings.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties and therefore fundamentally complies with relevant planning policy.

### Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the PCC Ecologist was 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 developments. The data search identified 107 records of protected and priority species within 500m of the proposed development – no records were for the site itself. There are no non-statutory or statutory designated sites within 500m of the proposed development.

The habitats affected by the proposed developments are areas of existing hardstanding and amenity grass – which are habitats considered to be of low ecological value.

With regards to protected and priority species identified as present in the local area by the data search it is not considered likely that the proposed development would result in negative impacts to these species and no surveys are considered necessary.

The County Ecologist therefore notes that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

### **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. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

#### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

### **Recommendation**

Having carefully considered the proposed development, Officers consider that the proposal complies with planning policy. The recommendation is therefore one of conditional approval subject to conditions as specified below.

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXXXX (drawing no's: D/001 D – Drawing Title: Car parking bays).
3. Prior to any works being commenced on site the applicant shall submit and have approved in writing by the Local Planning Authority full detailed engineering drawings for the proposed car parking and footway alterations along the Unclassified U5005. Development thereafter shall be completed in full accordance with the details as approved and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

### Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

### **Informative**

- Wales and West Utilities

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus. If you have any queries please contact Danielle Thomas on 02920 278 912 who will be happy to assist you. Our Reference Number: 8150077122

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Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer  
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