

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0985	Grid Ref:	322356.84 312184.76
Community Council:	Guilfield	Valid Date:	Officer: 26/09/2016 Kevin Straw
Applicant:	Mr C Wright, Gwreiddyn Lane, Sarn Meadow, Guilfield, Welshpool, Powys, SY21 9DN.		
Location:	Sarn Meadow, Gwreiddyn Lane, Guilfield, Welshpool, Powys, SY21 9DN.		
Proposal:	Outline application for 5 residential dwellings, improvement to existing vehicular access and formation of a pavement.		
Application Type:	Application for Outline Planning Permission.		

Report Update

This report forms an update to the previous report submitted.

Consultee Response

PCC Environmental Health

Comments received on 12/06/2017;

If they have confirmed that they are connecting to the main I have no objection, will it be to an adoptable standard, if so could I have a plan with the proposed pipe route to the sewage works?

I did have a look on the portal but couldn't see any documentation confirming the proposed mains connection.

Additional comments received on 16/06/2017;

If it's a mains connection I have no objection, but I would recommend that the proposed route is approved prior to the commencement of work.

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.

Foul Drainage

Members will be aware that the PCC Environmental Health officer was previously consulted and provided an initial response. Further comments received from the officer indicate that they had no objection to the proposed connection to the mains system and that they requested the submission of a plan to indicate this. A plan was not available at this current time for consideration and as such the officer reiterated that they had no objection to the proposal for foul sewage connection, subject to the proposed route being approved prior to commencement of any work. To ensure that a suitable connection would be made a suitably worded condition will be attached to ensure that plans relating to the foul drainage system and connection are provided.

Flood zone

Members will be aware that issues surrounding this element have been considered within the initial report. Factors affecting the proposed development have been given further consideration in relation to the flood zone and as such it is considered necessary to ensure that no further development takes place within the proposed site without due consideration from the Local Planning Authority. As such a suitably worded condition will be attached to remove any permitted development rights associated with the proposed dwellings within this site.

Biodiversity

Consideration has been given to the need for an appropriate assessment under the Habitats Regulations. It is considered due to the distances between Granllyn SAC/SSSI and proposed development site and that no significant impacts have been raised from NRW or the Powys Ecologist that it is therefore considered that the proposed development will not adversely affect the site's integrity. An appropriate assessment is therefore in this instance not considered to be required.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing 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 to the amended conditions as listed below.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.
5. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
6. The centre line of the first 5.5 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.
7. Prior to first beneficial use of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 45 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas 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.
8. Prior to first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 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.
9. Prior to the occupation of any dwelling, provision shall be made within the curtilage of any dwelling for the parking of not less than 1 car per bedroom (maximum of 3) excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5.0 metres for a minimum distance of 5.5 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.

11. Prior to the occupation of any dwelling a 1.5 metre wide footpath shall be provided from the access to the development up to the private driveway for the property called Trawscoed Lodge and shall be retained at for as long as the development hereby permitted remains in existence.

12. 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 5.5 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.

13. Upon formation of the visibility splays as detailed in condition 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

15. Finished floor levels of the proposed dwellings should be set 300mm above the corresponding 1% plus climate change flood level or 300mm above adjacent ground level, whichever is the greater.

16. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Local Planning authority. Surface water generated from the site shall be limited to the equivalent greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling and retained in perpetuity.

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

18. Prior to any works commencing on site detailed engineering drawings for the road widening of the C2104 and the ancillary footway works shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall thereafter be completed in full prior to the first occupation of any dwelling on site and retained in perpetuity.

19. Prior to any works commencing on site the road widening of the C2104 shall be fully completed to the written satisfaction of the Local Planning Authority.

20. Prior to the translocation of the hedgerow which bounds the site along Gwreiddyn Lane a detailed method statement shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and all translocation works shall thereafter take place in accordance with the details as approved.

21. At the time of the submission of the reserved matters 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.

22. No development shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt (GCN) and an amphibian friendly water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

23. 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 20% of housing units;
- 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;
- 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.

24. The affordable dwelling/s 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.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwellings or alterations to the roofs (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.

26. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling and retained in perpetuity.

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.
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4. 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. To protect the development from flooding and avoid impact on extreme flood flow routes in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
16. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
17. To prevent pollution of the water environment in accordance with policies GP1 and DC9 and to protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.

18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

20. 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 Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

21. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 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 2016.

22. In the interest of the protection and preservation of biodiversity in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan.

23. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

24. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

25. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

26. In order to ensure that satisfactory foul drainage arrangements are provided in accordance with policies GP1 and DC10 of the Powys County Council Unitary Development Plan.

Informative Notes

Ecology

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;

- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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.

NRW

Twll Brook and Guilsfield Brook are within Powysland Internal Drainage District (IDD). Any potentially increased flow or volume into either of these brooks due to increased runoff from the site will need to be calculated and SUDS proposed so this is mitigated.

The applicant should also be advised that any discharge via headwall to Twll Brook may require approval from the Powysland IDD. James West the Powysland IDD Technical Advisor Tel: 03000 655295 James.West@cyfoethnaturiolcymru.gov.uk should be contacted for further information on this aspect.

Any discharge outfall to the brooks will need to be detailed and submitted to NRW in order to obtain Land Drainage Consent. In addition to the requirement for such consent, if the development will increase flow or volume in either Guilsfield or Twll Brook, a Surface Water Development Contribution will also need to be paid.

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

Pollution Prevention Guidance <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> is still applicable in Wales and PPG5 'Works in, near or over watercourses' and PPG6: 'Working at construction and demolition sites' are relevant.

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

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000

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