

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2017/0154	Grid Ref: 305746.64 301004.76
Community Council: Dwyriw	Valid Date: 10/02/2017
	Officer: Eddie Hrustanovic
Applicant: Mr T P Richards Maenllengen Adfa Newtown Powys SY16 3DL	
Location: Land adjoining "The Garage" Adfa Newtown Powys SY16 3DW	
Proposal: Outline: Residential development of up to 5 dwellings, creation of access and associated works (some matters reserved)	
Application Type: Application for Outline Planning Permission	

Reason for the Update

The update report is to be read in conjunction with the original Committee report, presented to Members on the 12th July 2017. Additional information and amendments have been received since the last Committee.

- *Number of proposed dwellings has been reduced from 9 to 5 (4 + 1 affordable unit),*
- *Following a previous Planning committee on 12th July 2017 additional information in respect of sustainability and Welsh language and culture consideration has been provided by the applicant.*

Census Information:

- 2001:

	All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
Number	1805	137	47	29	339	87	1166

Source 2001 Census: Knowledge of Welsh – Rhiwcyron ward

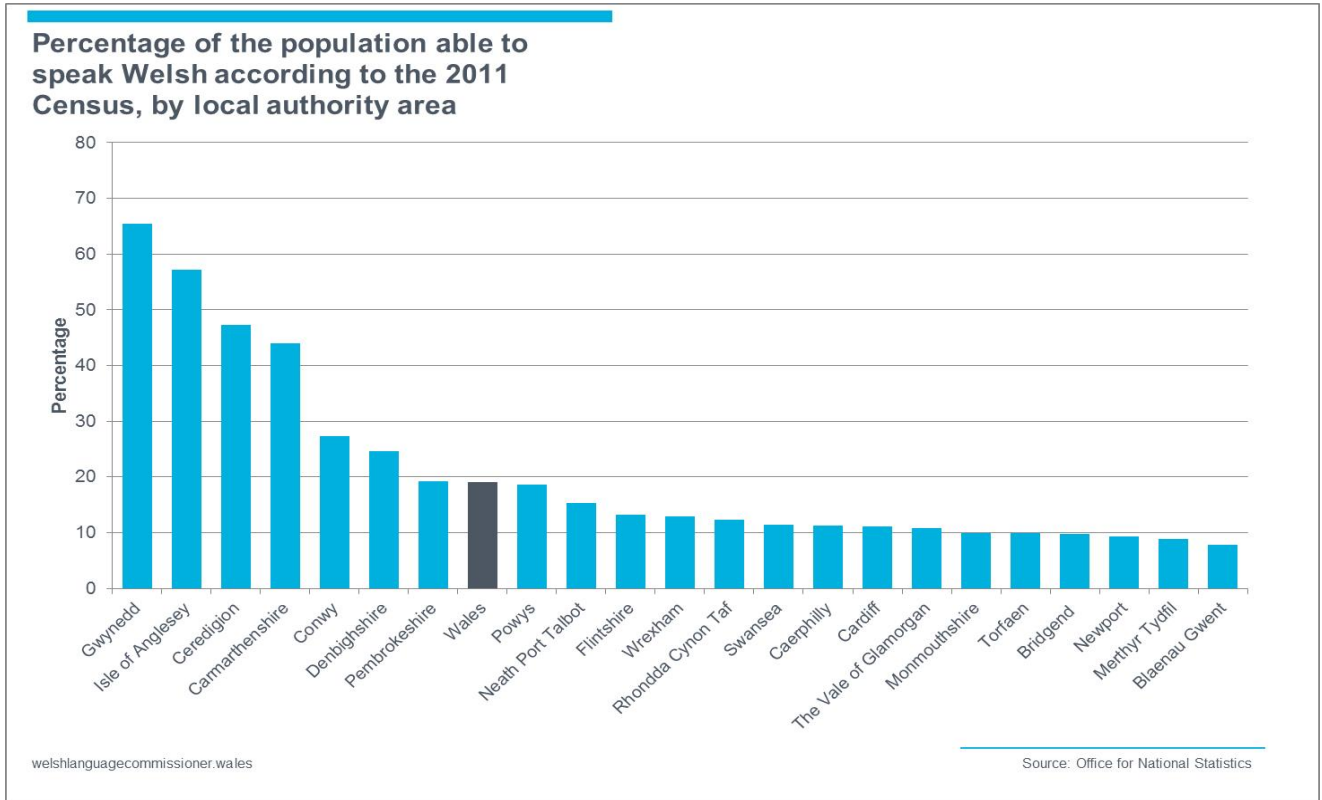
- 2011:

	All usual residents aged 3	Understands spoken Welsh only	Speaks but does not read	Speaks and reads but	Speaks, reads and	Other combination of skills	No knowledge of Welsh

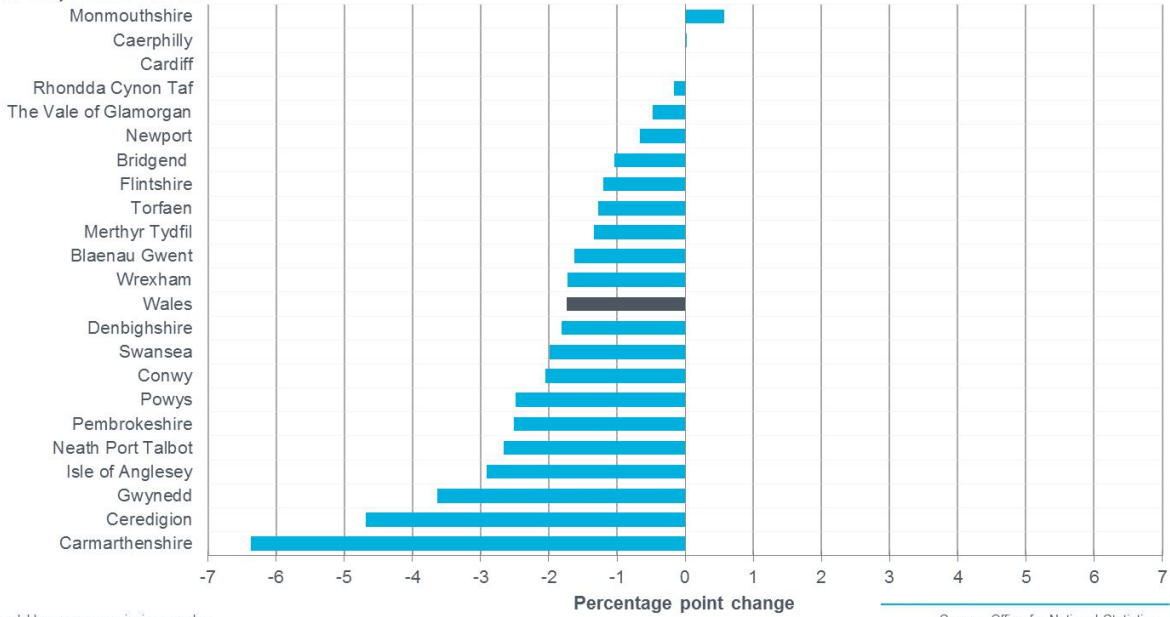
	and over		or write Welsh	does not write Welsh	writes Welsh		
Number	2116	161	64	31	366	78	1416

Source 2011 Census: Welsh Language Skills – Rhiwcyron ward

Welsh Language Commissioner Information:

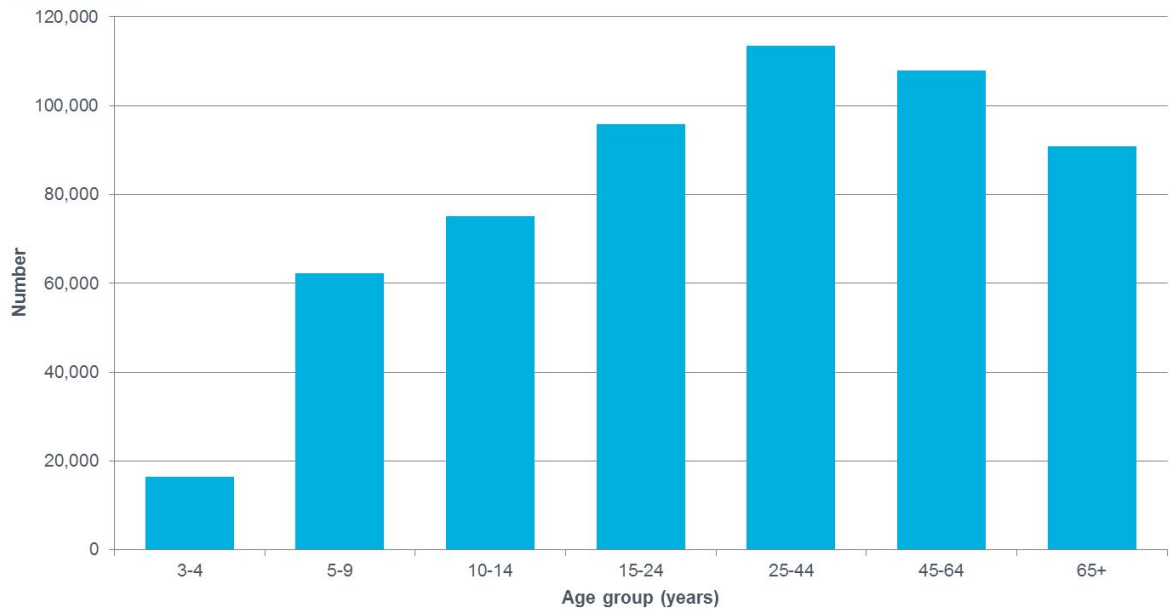


Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Number of people able to speak Welsh in Wales according to the 2011 Census, by age group



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Community: Dwyriw

able to speak Welsh

Age	2011 %	2001 %	2011 Number	2001 Number
3+:	26.6	33.7	149	154
3-15:	59.8	73.4	52	58
16-64:	20.1	21.5	73	66
65+:	21.6	42.3	24	30

Number of residents aged 3 and over:

Census	Number
2011	561
2001	457

Planning Policy

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. 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.

Adfa (Dwyriw) is a settlement where the Welsh language has been identified within the UDP as being important to the social, cultural and community fabric. 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. In terms of housing provision, one way in which the developer can demonstrate that the language has been taken into account is by ensuring that there is provision of affordable homes. This approach does not seek to restrict occupancy on grounds of linguistic criteria but recognises that those meeting the affordable housing eligibility criteria are more likely to be able to support the Welsh language and culture.

Powys Unitary Development Plan

On a local level, Powys UDP Policies SP1 (Social, Community and Cultural Sustainability), and Policy GP5 (Welsh Language and Culture) give significant guidance to the Welsh Language.

- *Policy SP1 (Social, Community and Cultural Sustainability), states as follows:*

“In assessing proposals for new development due regard will be given to the need to sustain and where possible enhance the social, cultural and linguistic characteristics of the area and to the contribution that the proposal can make towards meeting the needs of local communities and residents”.

- *Policy GP5 (Welsh Language and Culture), states as follows:*

“In the following settlements, the Welsh language has been identified as being important to the social, cultural and community fabric.

Within the identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh language and culture, including through the provision of an appropriate level of affordable housing.

ABERCEGIR	DOLANOG	LLANWDDYN
ABERCRAF	DERWENLAS	LLANWRIN
ABERHOSAN	ESGAIRGEILIOG CEINWS	LLAWR Y GLYN
ABERTRIDWR	FOEL	LOWER CWMTWRCH
ADFA	FORGE	MACHYNLLETH
BONT DOLGADFAN	GLANTWYMYN	PENEGOES
CAE HOPKIN	GURNOS	PENRHOS
CAER BONT	LLAN	PENYBONTFAWR
CAER LAN	LLANBRYNMAIR	PONTROBERT
CARNO	LLANERFYL	TALERDDIG
CEFN COCH	LLANFAIR CAEREINION	TREFEGLWYS
CEMMAES	LLANFIHANGEL	UPPER CWMTWRCH
COELBREN	LLANFYLLIN	YSTRADGYNLAIS
COMMINS COCH	LLANGADFAN	YNYS ISAF
CWM LLINAU	LLANGYNOG	YNYS UCHAF
CWMGIEDD	LLANRHAADR YM MOCHNANT	
DAROWEN	LLANSILIN	

Technical Advice Note 20 (Planning and the Welsh Language) 2013

While on national level, Technical Advice Note 20 (Planning and the Welsh Language 2013) notes that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reserve this trend.

With regards to the Development Management function, Tan 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Planning Policy Wales (2016):

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 seeks to improve the social, economic, environmental and cultural well-being of Wales. It contains seven well-being goals which certain public bodies (including local authorities) must seek to achieve in order to improve the well-being both now and in the future. One of the well-being goals is:

‘A Wales of vibrant culture and thriving Welsh Language’

This well-being goal will be achieved through a ‘society that promotes and protects culture, heritage and the Welsh Language and which encourages people to participate in the arts, and sport and recreation’.

Officer Appraisal

Welsh Language

The following analysis of the census information provides an indication of the health of Welsh Language within the Rhiwcynon ward which the application site is located:

- Number of people aged 3 and over within the Rhiwcynon ward has increased by 311 between the 2001 and 2011.
- The number of people (people aged 3 and over) who understand Welsh only, has increased from 26% of the population to 30% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak but cannot read or write Welsh has increased from 75% of the population to 76% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak and read but cannot write Welsh has decreased 1.6% of the population to 1.4% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak, read and write Welsh has decreased from 18% to 15% between 2001 and 2011.
- The number of people (people aged 3 and over) with other combination of skills in Welsh has decrease from 4.8% to 3.6% between 2001 and 2011.

- The number of people (people aged 3 and over) with no skills in Welsh has increase from 64% to 66% between 2001 and 2011.

As noted by Welsh Language Commissioner Information Census results in Dwyriw community amounted to 33.7% percent of Welsh speakers in 2001, while 2011 census indicated a 7.1% decline in Welsh speakers to 26.6%.

Adfa has been identified where the Welsh language has been identified as being important to the social, cultural and community fabric. The village includes a Chapel, community centre, garage, post-box, protected play area and a part-time post office. It is considered that the introduction the five proposed dwellings could help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities.

With regards to the scale of the development, when the application was originally submitted it proposed nine dwellings. This was not considered to be sustainable by Development Management as the development would swamp the village of Adfa to the detriment of amongst other things the Welsh language and culture. The five dwellings currently proposed are considered to be a more sustainable scale and appropriate from a village growth perspective. This stance is the based of the facilities located in close proximity of the site and nearby larger settlements such as Tregynon and Welshpool. In light of the limited scale of the development, no phasing condition is considered necessary to control the number of dwelling constructed at one time.

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and

disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

In conclusion, Development Management considers that applicants' assessment determines that the reduced numbers of dwellings from nine to five (with provision of a single affordable unit) is not considered to have a significant detrimental impact on the Welsh Language and culture.

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. The proposed development is for the provision of 5 dwellings in what is considered to be a sustainable location given the existing services in Adfa and in nearby settlements. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. It is recommended that the application is approved subject to the conditions set out below.

Conditions

1. Details of the access, 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 in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2015 highway (drawing no: RPP/TW/JOB05-03).
5. 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 first occupation of the dwellings hereby permitted and retained in perpetuity.
6. 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% affordable dwellings;

- 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

7. 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.

8. A lighting plan showing the location and specification for any proposed lights on the site shall be submitted at the same time as the reserved matters referred to within Condition 1. The plan will include directing lighting away from retained and proposed trees and hedgerows around the application site and the use of downlighting to ensure suitable foraging and commuting habitats to remain unlit. The approved plan shall be implemented prior to the occupation of any of the dwellings.

9. All landscape works shall be carried out in accordance with the details approved at the reserved matters stage. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

11. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.

12. Before any other development commences 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 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.

13. 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 excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
14. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
15. Prior to the construction of any dwelling 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.
16. The width of the access carriageway shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
17. Prior to the occupation of any dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
18. Prior to the occupation of any dwelling a 2.0 metre wide footpath shall be provided on the both sides of the site access and along the full frontage of the site onto the existing county class III road, C2015 and shall be retained for as long as the development hereby permitted remains in existence.
19. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard.
20. Prior to the beneficial use of the new access any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
21. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.
22. Upon formation of the visibility splays as detailed in Condition 12, 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.
23. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.
24. No storm water drainage from the site shall be allowed to discharge onto the county highway.

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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
8. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 8, 2016).
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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24. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Informative Notes

- This development may affect a statutory Right of Way - Public Footpath 36. Developers should contact Powys County Council Rights of Way team prior to any works commencing.

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.