

Committee Report 12th July

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0154	Grid Ref:	305746.64 301004.76
Community Council:	Dwyriw	Valid Date:	Officer: 10/02/2017 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 9 dwellings, creation of access and associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposal is a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located on the western side of Adfa, along C2015 highway and to the south of cluster of existing properties. Adfa is classified as a Large Village within Powys Unitary Development Plan (insert map M103) and the site is adjacent to the designated settlement boundary. The Garage (tyre depot) is to the east of the site as well as the centre of the village. The site is currently in agricultural use and forms part of a larger field which is bound by a hedgerow on the norther boundary facing the County highway, a stock proof fence and hedgerows along the eastern, southern and western boundaries, while disused small agricultural building is located on the eastern corner of the application site/field.

The application is submitted in outline with access to be considered at the outline stage for the erection of up to nine detached dwellings. The proposal will consist of;

- Seven, open market four bedroom detached houses (125m² to 180m²) with detached garages; and
- Two, three bedroom semi-detached affordable units with single garages (up to 130m²).

The indicative layout indicates that access would be gained off the C2015 highway, opposite the exiting bungalows, with an adoptable road leading to a private drive providing access, turning and parking facilities for each dwelling. The application site has an area of 0.68 hectares.

Consultee Response

Dwyriw Community Council

Dwyriw Community Council has no objection to this application but would like the following points to be taken into consideration:

- There is concern about the high number of dwellings proposed at this stage.
- The impact on the traffic and highway due to the large number of extra vehicles associated with a development of this size.
- Current services and facilities are very limited in the village of Adfa.

PCC - Highways

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement 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 0.6 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.

HC7 Prior the commencement 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 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.

HC9 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.

HC10 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.

HC11 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.

HC12 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.

HC13 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.

HC17 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.

HC19 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 including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC22 Within 30 days from the commencement of the development 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.

HC29 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.

HC30 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.

HC31 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.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

Wales & West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry. Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes

owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

PCC - Rights of Way

Countryside Service confirms that a public footpath 36 will be obstructed by the proposed development. We note that the development drawing does acknowledge the existence of the public footpath 36 and has incorporated it into the development on a diverted line. The success of incorporating public rights of way into a development scheme depends on ensuring that they are well catered for at design stage and some thought is put in as to their future maintenance. Unfortunately, this has not always been the case with developments throughout Powys. Poor design has often burdened Powys County Council with unresolvable maintenance issues.

We would therefore recommend that the developer discusses the details of any proposed diversion with Countryside Services before the development is finalised. Consideration should be given to:

- Width of a public right of way especially if it is to be enclosed.
- The surface of a right of way depending on its status and location.
- Clear responsibility of future maintenance including boundaries and surfacing.
- Lighting depending on location
- Proximity of car parking (i.e. potential to block access)
- Attention paid to least restrictive access (Equalities Act 2010)
- Associated development such as fencing and gates.
- Diverting a public right of way

Please see Powys County Council's 'Rights of Way and Development - A Practitioners Guide', for more information. Available from Countryside Services' or Planning Services'

upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0> We would advise that until an application has been processed and confirmed no development can take place over the definitive line of the affected right of way. As the process will likely take a minimum of 6 months with no complications we would strongly urge the applicant to apply for a public path order as soon as possible to avoid works being held up. It should also be noted that new structures on a diverted right of way such as field gates would need to be licenced for under separate legislation. For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.68 hectares and includes up to 9 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service. The application site appears to be located within an improved grassland agricultural field and is bounded by a hedgerow to the north and partially to the east.
Protected Species & Habitats¹	European Species <input checked="" type="checkbox"/>	There are no historical records of European protected species from the application site and the majority of the habitat at the site does not appear suitable to support such species. The northern boundary hedgerow could provide commuting and foraging habitat for bat species, and other nocturnal wildlife. It would seem likely that the creation of the new footpath would require the removal of the northern boundary hedgerow, with a new hedgerow planted along the new boundary (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are no historical records of UK protected species from the application site and the general habitat does not appear suitable for such species. However, the northern boundary hedgerow would appear to provide suitable nesting habitat for some bird species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are a Section 7 Priority Habitat within Wales and it appears that the hedgerow that borders the north of the site is to be removed and replaced with a new hedgerow (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>The proposals to plant additional new hedgerows to the southern and eastern boundaries and new trees within the development are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and the Species List will be required for approval by the local planning authority as part of a</p>

		biodiversity enhancement plan for the site.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See previous observations.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the 2km search area.
	National Sites ³ <input type="checkbox"/>	None within the 2km search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within 500m.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with this application.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		<p>It would seem likely that the creation of the new footpath would require the removal of the northern boundary hedgerow, with a new hedgerow planted along the new boundary (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>The proposals to plant additional new hedgerows to the southern and eastern boundaries and new trees within the development are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and the Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan, including a Species List for the landscape planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>N/A</p>

PCC - Environmental Health

I am concerned about locating residential dwellings next to the garage unit due to potential noise issues from the adjacent business. Upon visiting the site I note that there are a number of dwellings in closer proximity to the garage than those in the application, therefore I have no objection to the application. Could STW please confirm that the mains drainage has sufficient capacity to accommodate the additional waste.

Representations

Following the display of site notice and publicity in the local press, one representation of objection has been received. In summary comments relate to;

- Lack of mobile phone signal in the area;
- Bad internet signal;
- Lack of bus service;

- No local shop;
- Lack of social activities;
- The proposal will increase vehicular movements, increase pollution, and place extra pressure on sewage disposal facilities.

Planning History

No recent planning history noted.

Principal Planning Constraints

- Public Right of Way 246/36z/;
- C2015;
- Outside designated settlement boundary.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1: Joint Housing Land Availability Studies (2015)
 TAN 2: Planning and Affordable Housing (2006)
 TAN 5: Nature Conservation and Planning (2009)
 TAN 6: Planning for Sustainable Rural Communities (2010)
 TAN 12: Design (2016)
 TAN 15: Development and Flood Risk (2004)
 TAN 18: Transport (2007)
 TAN 23: Economic Development

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

Welsh Office Circular 13/97 - Planning Obligations

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability
 UDP SP2 - Strategic Settlement Hierarchy
 UDP SP5 – Housing Developments
 UDP SP6 – Development and Transport
 UDP GP1 – Development Control
 UDP GP2 – Planning Obligations
 UDP GP3 – Design and Energy Conservation
 UDP GP4 – Highway and Parking Requirements
 UDP ENV1 – Agricultural Land
 UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP CS3 – Additional Demand for Community Facilities
UDP HP3 – Housing Land Availability
UDP HP4 – Settlement Development Boundaries and Capacities
UDP HP5 – Residential Developments
UDP HP6 – Dwellings in the Open Countryside
UDP HP7 – Affordable Housing within Settlements
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP10 – Affordability Criteria
UDP TR2 – Tourist Attractions and Development Areas
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Residential Design Guide (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

National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint. PPW states that new house building away from established settlements should be strictly controlled. It goes on to advise that isolated new houses in the open countryside require special justification. The Council's current planning policy, Powys Unitary Development Plan 2010 (UDP), states that outside settlement development boundaries, proposals for new residential development are only approved in exceptional circumstances, where they comply with UDP Policies HP6 (Dwellings in the Open Countryside), HP8 (Affordable Housing adjoining Settlements with Development Boundaries) or HP9 (Affordable Housing in Rural Settlements).

Given the site's location, adjacent to the settlement development boundary of Adfa, UDP Policy HP8 would normally require 100% affordable dwellings on such a site, as an exception to normal housing policies and where there is an identified, proven need. Although the application proposes two affordable units, the remaining dwellings would be open market dwellings. The proposed development would result in open market residential development

outside of the defined settlement boundary and would therefore be contrary to the Unitary Development Plan.

Taking into account the policy context, the consultee and public responses, and the site constraints the main issues are considered below.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2016) 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 a significant undersupply of housing land within Powys. 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. Members are advised that the lack of housing land supply should be primarily considered on a county-wide basis. Four sites were allocated within the UDP for residential development and these sites have been developed.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application.

However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Adfa is designated as a large Village within Powys Unitary Development Plan (UDP), with four allocated sites for residential development which have been completed in the recent years. In addition, UDP recognises that further opportunities for frontage infill development may exist within the settlement, and that there may be other opportunities for affordable housing adjacent to the settlement development boundaries and within the nearby rural settlements of Llanwyddelan, Llanllugan and Pantycrai. Policy HP4 indicates that Large

Villages such as Adfa may be capable of accommodating an additional 10 dwellings on windfall sites without exceeding the overall capacity of the settlement. Based on the current need for housing supply within the county it is considered that there is sufficient justification for the proposed development and that the scale of the proposal would not significantly exceed the capacity of the settlement.

Principle of sustainable development

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore PPW, it states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided, unless special circumstances apply in compliance with provisions of TAN6.

The public representation is acknowledged, however it is noted that the village is served by a range of community service, although limited in nature, nevertheless a post office does operate on a part-time basis, there is a bus service to Welshpool, and there is a Community Hall and children's play area.

Therefore, on balance Officers consider that additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Affordable housing provision

Given that the proposal is for more than five dwellings, the UDP requires a proportion of affordable housing. UDP Policy HP7 states that a proportion of affordable housing will be sought based on the extent and type of need as identified by the Council's Housing Needs Survey, successive surveys or other reliable robust data sources and the nature of the site.

In this instance the proposal indicates the provision of two affordable units

The applicant has offered to provide on-site provision of two affordable dwellings. This equates to a 22% provision which is below the 30-35% proportion advised that is normally achievable within the UDP.

The updated Affordable Housing Topic Paper (September 2016) which was produced to inform the LDP preparation recognises that that the Severn Valley area of Powys, of which Dwyriw is located, will viably be able to provide a 20% affordable housing contribution. Therefore, on this basis, it is considered that the proposed level of affordable housing (two units) is acceptable and a condition should be attached to restrict the floor space of the dwellings to that set out within the UDP (130 square metres) as well as removing permitted development rights.

Design and layout and impact upon surrounding area – landscape and visual impacts

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst design and layout are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. The indicative layout and scale indicates nine, two storey dwellings, some with garages sited off the adoptable and private road. The layout demonstrates that the site can accommodate nine dwellings and detailed design would follow at reserved matters stage, if this outline application receives consent which would provide the opportunity to ensure that the dwellings have an acceptable appearance and design. The immediate surrounding properties consist of a mixture of one and two storey detached properties with a mixed palette of materials; including brick and render. Therefore, the proposed scale of two storeys is not considered to be out of character with the locality. The indicative layout provides a layout which results in the front elevations of the dwellings facing to the public highway which is recommended by Powys Residential Design Guide. The majority of dwellings at Adfa face onto the public highway and are set back with access driveways off the highway.

In terms of landscaping, the submission indicates that the proposal would provide an opportunity to provide additional native landscaping which would assist in mitigating visual impact. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and public rights of way and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite the cluster dwellings at Adfa and along the approach road to the Village, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact, the proposed scale of nine dwellings is considered to reflect the character of the development that has occurred along the highway at Adfa, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area. Therefore, the proposal is considered to comply with UDP Policy ENV2.

Public Right of Way

Countryside Service confirms that a public footpath number 36 will be obstructed by the proposed development, however Officers note that the development drawing does acknowledge the existence of the public footpath 36 and has incorporated it into the development on a diverted line. However in this instance it is recommended to place an informative on the decision notice drawing the attention to the applicant/developer in respect of the Public Right of Way route and their responsibilities to that regard.

Given that the applicant has acknowledged the existence of the public footpath and has incorporated it into the development on a diverted line, it is not considered that the proposal

would have an unacceptable adverse effect upon the environmental setting of established tourist attractions in accordance with UDP Policy TR2.

Residential amenity

Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is located opposite (across the C2015 highway) number of properties at a distance of approximately 20-23 metres from the northern boundary of the application site. The existing dwellings are also set back from the highway, with intervening hedge between.

The Residential Design Guide states that the acceptable distance between front elevations should normally be determined by character of road widths in the area. Whilst the layout is indicative to demonstrate that nine dwellings can be achieved on the site and as such the detailed layout will be considered at reserved matters stage. Given the separation of the site by the highway from the cluster of dwellings opposite the site, it is considered that there is sufficient distance across the intervening highway to ensure the protection of amenities enjoyed by the existing and proposed occupants. In addition, further consideration can be given to this element when the detailed design is considered.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in this instance given the separation of the site by intervening highway it is considered that overshadowing will not be an issue. However this could be further controlled at the reserved matter stage.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highways and Infrastructure

Access would be gained via newly created access point to the north of the application site, and the indicative plan demonstrates that adequate highway access including visibility, turning and parking would be provided within the site in accordance with UDP Policy GP4.

The Highway Authority has not objected to the proposal and has recommended conditions to mitigate any impact upon the highway network and taking into account this advice, subject to the use of conditions, it is considered that the proposal would make adequate provision for highway access, parking and turning in accordance with UDP Policy GP4.

Foul sewage disposal

It is proposed to connect to the public sewerage system which is the preferred method of disposal. The public comments note the sewage disposal issues however Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Severn Trent Water has advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

Surface water disposal

UDP Policy DC13 requires proposals to make adequate provision for land drainage and surface water disposal. The submission states that surface water would be disposed of via soakaways but no further details have been provided at this stage.

The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design. The use of soakaways and or other infiltration techniques should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage attenuation to limit the discharge rate from the site no greater than the Greenfield run-off rate should be applied. This is generally controlled via planning conditions with full details of a drainage scheme coming in a reserved matters stage or prior to commencement of development.

In order to ensure that adequate provision for surface water drainage would be made, a condition must be imposed on any consent granted to require the submission and implementation of a satisfactory drainage scheme.

Ecology

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

No ecological information has been submitted with this application. The application site appears to be located within an improved grassland agricultural field and is bounded by hedgerows. The County Ecologist confirms that there are no historical records of European protected species from the application site and the majority of the habitat at the site does not appear suitable to support such species.

Subject to the use of appropriate conditions as advised by the ecologist, it is considered that the proposal would comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

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

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent

Conditions

1. Details of the 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 dwellings 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.