

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0329	Grid Ref:	306282.14 301102.68
Community Council:	Dwyriw	Valid Date:	Officer: 24/03/2017 Dunya Fourie
Applicant:	Mr D T M Jones, Min-Y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Location:	Land adjoining Min-y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Proposal:	Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

Update report

The update report is to be read in conjunction with the original Committee report, presented to Members on the 12th July 2017

Amended scheme and consideration of Welsh language and Culture

The following the deferral of the published Committee report, further information has been received from the applicant's agent in relation to Welsh language and culture. This information was received on the 3rd August 2017 and included the following:

- Amended site layout plan (Appendix 1)
- Sustainability Assessment (Appendix 2)

Amended scheme

The applicant's agent confirmed on the 3rd August the proposed scheme has been amended. The original scheme proposed 9 dwellings; 3 affordable dwellings and 6 open market dwellings. The amended scheme proposes 1 affordable dwelling and 4 open market dwellings.

The agent confirms the following within the sustainability assessment*"Dwyriw has been identified as one settlement in Powys that the Welsh Language should be regarded as being important to the social, cultural and community fabric of the settlement. In light of the above, we need to ensure that these two developments will not have a significant harm on the Welsh Language and Culture of the settlement.*

27% of Dwyriw's population can speak, read and write welsh, this is only a fraction down from 1991, when 30% could speak, read and write welsh. Developments equating to up to 10 dwellings, is not considered to have any significant impact on the Welsh Language, given the nature and scale of development.

National Policy documents such as TAN20 (2013) and PPW (2016), has emphasised that a policy led approach should be the main instigator in determining the acceptability of developments within a settlement that the Welsh language is seen as an important factor. The determination of planning applications has to be in accordance with the adopted development plan, and therefore a strong local plan, can ensure developments will not harm the Welsh Language.

Unfortunately, Powys is in a position where the new Local Development Plan has not been adopted, and the current Unitary Development Plan is out of date, and has limited guidance on the consideration of the Welsh Language. In light of this, limited guidance is given on the acceptability of sites in relation to the Welsh Language.

TAN20 stipulates that 'All LPA's will have assessed the implication of their development plan strategy, policies and allocations on the Welsh Language. As Development Plan include an allowance for non-allocated sites (windfall sites) for various types of development, planning application on non-allocated sites should not be subject to a further assessment of impacts on the Welsh Language.'

TAN20 also stipulates that 'In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration decision 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 applications should not be subject to Welsh language impact assessment, as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

The proposals are up to 5 dwellings each site, which is 10 in total. This is considered proportionate to the settlement, given that no additional housing has been provided within the settlement for over 5 years. Adfa has a local garage, chapel, village hall, post office and shop.

It is clear that rural villages like Adfa have suffered in recent years with young local people moving out of the area. These kind of developments, will ensure there will be housing/plots available to young people which will help them remain in the area. There are only 2 properties in Adfa for sale, which illustrates the demand for housing in the area.

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 these developments would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In conclusion, the scale and type of both developments cumulatively is considered not to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore, fully complies with National and Local Policies".

Policy Context

Powys Unitary Development Plan

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 UCHA F «
CWNGIEDD	LLANRHAADR YM MOCHNANT	
DAROWEN	LLANSILIN	

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

Within Technical Advice Note 20: Planning and the Welsh Language (TAN20) it is noted 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 reverse 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 (November, 2016)

Planning Policy Wales (PPW) notes the Welsh Government's 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’.

Census Information

2003 Census

2003 CAS ward	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
00NNSX : Rhiwcynon	1,805	137	47	29	339	87	1,166

2011 Census

2011 ward	All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
W05000343 : Rhiwcynon	2,116	1,416	161	467	64	31	366	78

Adfa is within the Ward area of Rhiwcynon, as shown within the Census information the number of residents aged 3 and over has increased and the number of people who can speak and/or understand Welsh has increased. The Census information suggests that people are moving to the Ward area and support the use of Welsh language and Culture.

Appraisal of the impact on the proposed development on Welsh language and Culture in Adfa

Principle of development

The original Committee report discussed in detail whether the proposed residential units outside of the settlement boundary of Adfa are acceptable in principle. The conclusion being that considerable weight needs to be given to the undersupply of housing land availability in considering proposals for new residential development as exceptions to normal housing policies. As such, while the scheme has been amended, the principle of housing development on the proposed site remains acceptable.

Welsh Language and Culture

Members are advised that the impact of the proposed development on Welsh language is a material consideration and as such needs to be allocated consideration weight when determining this planning application.

Affordable housing

The reasoned justification for Policy GP5 and Technical Advice Note 20 (TAN20) states the Welsh Language is an important component of the social fabric of the County. Planning Policy Wales (PPW, 2016) states that local planning authorities should consider whether they have communities where the use of the Welsh language is part of the social fabric.

Policy GP5 identifies communities which form part of the Welsh cultural heartland, within which there is a requirement for special policy attention to safeguard their community characteristics that are founded on the Welsh language. The reasoned justification for policy GP5 recognises that one way in which developers can demonstrate that language has been taken into account is by ensuring there is provision of affordable homes in line with the affordable housing policies.

Adfa is identified under GP5 as a settlement where the Welsh language is important to social, cultural and community fabric. GP5 confirms, within the listed 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 through the provision of an appropriate level of affordable homes.

The amended scheme proposes 1 affordable unit, this provision represents 20% of the overall development and is in keeping with the Viability Study for providing Affordable Housing in Powys (August 2016). It is considered that the provision of affordable housing helps mitigate against the impact of a development on the Welsh language, the affordable house provision and the contribution the four open market dwellings make to the lack of a five year housing supply are given considerable weight and as such Members are advised that the proposed affordable housing provision is considered acceptable.

Impact on the existing community facilities

Adfa is served by facilities which include the following; Chapel, community centre, post box, post office, public telephone box and adopted open space amenity area. It is considered that the introduction of the proposed five dwellings would 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 proposed scale would threaten the existing facilities or force sections of the population away from these facilities.

The dwellings are well located, adjoining the settlement boundary allowing the existing infrastructure to be utilised, the development would appear part of the existing settlement and within easy access to facilities.

The lack of capacity of the school in Tregynon was raised as a concern within a public response. It is considered, given the scale of the proposed development, the impact on school capacities is negligible. No adverse or positive impact can therefore be identified 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 considered to be negligible. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

Impact on the social fabric of Adfa

Planning Policy Wales states “*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 above Census information confirms the population and use of the Welsh language within the Ward for which Adfa is located has increased over the last 7 years. These findings suggest Adfa can accommodate housing development of an appropriate scale without detriment to the social fabric of the Ward.

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.

Impact on the local economy

The Welsh Language Assessment submitted by the applicant considers the potential impact on economic development of scheme of the proposed scale. It is considered small scale construction schemes are likely to contribute to the economy of the local area through employment of local trades people. It is concluded therefore that construction of the dwellings would have a neutral or positive impact on the local economy which is considered a positive from a Welsh language and cultural perspective.

Conclusion

In conclusion, given the scale of the development it is not considered that the proposed development would have an unacceptable adverse impact on Welsh language and culture. The proposal is therefore considered to comply with relevant planning policy, as outlined within this update report.

Recommendation

The proposed development constitutes a departure from the adopted Development Plan, however in accordance with the Joint Housing Land Assessment, considerable weight is given to the need to increase housing supply within Powys. The proposed development is for the provision of 5 dwellings in what is considered to be a sustainable location.

It is considered the principle of the development is acceptable in light of the lack of housing land supply in the County and warrants the approval of the scheme contrary to the provisions of the Development Plan. All other material considerations are in accordance with the adopted Development Plan.

It is therefore recommended to Members that the application is approved subject to the conditions as set out within this update report.

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. The development shall be carried out strictly in accordance with the plans stamped as approved. Plan references include; site location plan (6563/17/01), Proposed block plan (6563/17/03), Existing block plan (6563/17/02).
5. Any entrance gates 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.
6. 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.
7. Prior to any other development commencing, 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 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.
8. Prior to the occupation of any of the dwellings, 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.
9. 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.
10. Prior to the commencement of any other development, 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.

11. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5.5 metres for a minimum distance of 10 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.
12. Any internal side-road junctions shall have a corner radii of 6 metres.
13. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres
14. 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.
15. 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 20 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/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
16. Prior to the occupation of any of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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.
17. 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.
18. No storm water drainage from the site shall be allowed to discharge onto the county highway.
19. At the time of the submission of a reserved matters, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved scheme.
20. At the time of the submission of a reserved matters, a lighting design scheme to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.
21. At the time of the submission of a reserved matters, a tree and hedgerow protection plan shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved details.
22. Development shall be carried out in accordance with the Newt Mitigation Plan and Method Statement as detailed in Section 8 of the Great Crested Newt Survey and Mitigation Plan conducted by Gerald Longley Ecological Consultants and dated May 2017.
23. 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 affordable dwellings or alterations to the roof (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.

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. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
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13. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
14. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
15. This condition is imposed to control the future affordability and management of the development in accordance with policies HP9 and HP10 of the Powys Unitary Development Plan (2010).
16. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
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18. In the interests of highway safety and to accord with Powys Unitary Development Plan for Powys policies GP1 and GP4
19. In the interests of suitable drainage from the site and to accord with Powys Unitary Development Plan policies DC10 and DC13
20. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
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22. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
23. 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.

Informative Notes

An European Protected Species mitigation licence from Natural Resource Wales will be required for development to proceed.

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.