

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0420	Grid Ref:	322050.04 311028.19
Community Council:	Guilfield	Valid Date:	Officer: 18/04/2017 Tamsin Law
Applicant:	Mr D Neville, Oakwood, Guilfield, Welshpool, Powys, SY21 9PP		
Location:	Land adjacent to Oldcastle Avenue, Guilfield, Welshpool, Powys, SY21 9PA		
Proposal:	Outline: Erection of up to 8 dwellings, formation of vehicular access, access road, and all associated works (all matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application requires a Committee determination as it is recommended for approval and is a departure from the development plan.

Site Location and Description

The application site is located within the Community Council area of Guilfield. The site is approximately 0.64Ha in size and is located to the south of Guilfield, directly adjoining the development boundary of Guilfield as indicated on the Powys UDP Inset Map M138.

The site itself is currently defined as agricultural land, consisting of grassland. The land is bound to the north by Oldcastle Avenue, a residential estate predominantly single storey in nature, to the east and south by existing agricultural land and to the west by the B4392.

Consent is sought in outline with all matters reserved except for access, for the development of 8 dwellings.

Consultee Response

Guilfield CC

Guilfield Community Council at their meeting on Thursday 18th may 2017 agreed to object to the above proposed development as it is outside the original LDP.

They want it noted that if this development did get approval that they would want the following points included.

1. The roadway that runs the full length of the site be two way and also has a pavement.
2. 1st phase of the development to be bungalows

3. The 30mph speed limit to be pushed back to include this accommodation

Response Received 24th August 2017

Guilfield Community Council at their meeting on Wednesday 23 August 2017 agreed to object to the above proposed development due to following points

1. It is outside the original LDP.
2. There is no written statement of how Powysland drainage systems under the road from the brook would be maintained. There should be a corridor between the ditch and gardens of at least 8 metres for maintenance and other resources that require access to the manhole and the field triangle.
3. The entrance access to the estate is far too close to the B4392.
4. The first line of houses should be bungalows to be in keeping with area.
5. The creation of an undesirable precedent making it difficult to resist similar proposals elsewhere
6. Householders have retired to Oldcastle Avenue because of its close proximity to agricultural land and the fact that this land was refused planning consent in 2015 due to it being outside the LDP.

The Council also noted objections from many residents in Oldcastle Avenue and the fact that the County Council had called in the application on the basis of local controversy.

Powys Highways

The County Council as Highway Authority for the County Unclassified Highway U0420

Wush the following recommenations/observations be applied

Recommendations/Observations

Prior to any other works commencing on the development site. Detailed engineering drawings for a footway, road, widening, junction improvement, road re-alignment or the junction of the U2206 and Class II B4392 and associated works, shall be submitted to and approved in wrting by the Local Planning Authority.

Prior to works commencing on the devleopment site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.

HC1 Any entrance gates shall be constructed so as to be incapable of oipening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

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 33 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 to 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 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.

HC8 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 together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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 dwelling remains in existence.

HC11 Prior to the commencement of the 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 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 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.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

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 issuing of the Building Regulations Completion Certificate for the last house or within two years from the

commencement of the development, whichever is sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system no less than 6 metres from 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 HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be matted 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.

Powys Building Control

Building Regulations application required.

Wales and West Utilities

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

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.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

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

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Response Received 22nd August 2017

Having viewed the submitted plans I can advise we wish for the previous drainage condition to remain (requested 08/08/2017) – please do reconsult us when drainage proposals have been submitted.

Cllr David Jones

As the local member I would like to call this application in on the grounds that it is creating a great deal of local controversy.

Powys Environmental Health

I note in the application the intention is connect to the mains foul drainage, I have no objection to the application

Powys Rights of Way

Countryside Services recommends that the application be refused as it will directly affect Public Footpath G33 and no mention is made in the planning information provided as to its existence.

I write to confirm that the path would be severely obstructed by the proposal, and as such it is our duty to point out that it is a criminal offence to obstruct, or to interfere with a public right of way without lawful authority or excuse.

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

The Definitive Map is held in the Council's Gwalia Offices, Ithon Road, Llandrindod Wells, and can be viewed by appointment.

If redesigning the layout of the development is not a possible option, the applicant will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to

process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0>

Response Received 11th August 2017

I will withdraw my objection to the planning app having seen the amended plans.

The applicants are reminded that they will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

Let me know if you need any further guidance.

Natural Resources Wales

Thank you for consulting Natural Resources Wales (letter dated 03/05/2017) regarding the above.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – GCN: No ground preparation works shall take place until a Construction Ecological Management Plan (CEMP) for Great Crested Newt has been submitted to and approved in writing by the local Planning authority.

Condition 2 - GCN: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA in consultation with NRW.

Condition 3 – IDD: Retention of a clear 8m corridor along the watercourses at the proposal (Nant Rhyd y Moch and two smaller tributaries) to allow vehicle access for maintenance.

Protected Species

We note that the Extended Phase One Habitat survey report submitted in support of the above application by Arbor Vitae Environment refers to the proximity of Granllyn SAC to the proposal.

This site support a nationally important population of great crested newt (GCN) (*Triturus cristatus*).

The proposal is just over 165m of Granllyn SSSI whose features include the great crested newts. In our view the potential range of the local population of newts at Granllyn includes the application site.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the report concludes that the proposal is not likely to harm or disturb GCN or their breeding sites and resting places at this site provided Reasonable Avoidance Measures are adopted to minimise incidental killing during and post construction.

Condition 1 – GCN: No ground preparation works shall take place until CEMP for Great Crested Newt has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:

- (a) Purpose and objectives for the proposed works;
- (b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be

used);

(c) Extent and location of proposed works shown on appropriate scale maps and plans;

(d) Persons responsible for implementing the works;

(e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction or development. This to include details of surface water management schemes that do not include gullypots.

(f) Initial aftercare and long term maintenance (where relevant)

(g) Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

We welcome the recommendations for ecological enhancements made within the report and fully support the ecologist's advice that a GCN habitat management plan is required to identify opportunities for improving and managing habitat for this species in the long term.

Whilst habitat enhancements will increase the amount of suitable habitat for this species in the long term, consideration must be given to other aspects of the development that also have the potential to impact on GCN, such as water drainage schemes and kerb layout plans.

Amphibians are likely to get trapped in gully pots during migration and this can have an impact on the population of the GCN at Granllyn SAC. Likewise, kerbs can impede road crossing by amphibians resulting in road deaths. Both impacts can be avoided / minimised by adopting amphibian friendly schemes.

Condition 2 - GCN: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA in consultation with NRW.

If works are undertaken without an appropriate derogation licence issued license, we advise that works must immediately stop in the event of the great crested newt being found. Operations can recommence on receipt of the appropriate licence issued by NRW.

Flood Risk

The red line boundary for this application is outside/abuts the DAM C2 zone. Following a site visit, it is evident that the layout as proposed will ensure that highly vulnerable built development will be on elevated ground and therefore not considered at direct fluvial flood risk.

However, we would like to point out that section 8 of the Planning & Design Statement is flawed, as it refers to England not Wales. The site is not subject to Environment Agency scrutiny nor is PPS25 applicable. It is advised that any subsequent submissions are revised to reflect NRW and Welsh Government datasets and TAN15.

The proposed site access leads to lower land towards the south east. The Planning Authority is advised to liaise with the Emergency Planning team with regards to safe access/egress issues to and from this site.

The line of the culverted section of watercourse is unknown between the 'sinks' on the other side of B4392 and where it issues near 30/32 Oldcastle Avenue.

Further survey work is advised to clearly define the alignment, structural integrity and hydraulic capacity of the culverted section. This is advised to ensure that the proposed built development will not be affected and appropriate mitigation can be taken if required. Irrespective of the culvert findings, it is advised that finished floor levels of the proposed dwellings are set a nominal distance above adjacent ground level.

Powysland Internal Drainage District

The site lies within the Powysland IDD drainage area, for which NRW is the responsible board. As the Lead Local Flood Authority we have the following comments:

A plan showing the ditches in the vicinity of the planning application is attached to this letter. It shows the ditches that are routinely maintained as part of the IDD maintenance programme. Access for an excavator to these ditches must be maintained. We will need an 8m corridor along these watercourses, which are Nant Rhyd y Moch and two smaller tributaries.

Condition 3 – IDD: Retention of a clear 8m corridor along the watercourses at the proposal (Nant Rhyd y Moch and two smaller tributaries) to allow vehicle access for maintenance.

Surface water runoff discharging into these watercourses from the development must be attenuated to greenfield site rates.

The development will need Land Drainage Consent as it is within an IDD.

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with PPG5: 'Works in, near or over watercourses' which is available at the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Although this document is withdrawn, the advice it provides is still relevant.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development

Powys Land Drainage

I've looked at the submission on the portal.

I'm not aware of any flood related history for the location but having accessed indicative soil maps for the location, I note the soil type is described as being 'Slowly permeable seasonally wet acid loamy and clayey soils' giving rise to 'impeded drainage'. Soakage in this type of soil structure may be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site. Hence the reserved comments in UDP perhaps.

My comments in respect to this application are:-

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 (or other best practise sustainable drainage means) should be investigated in the first instance for the disposal of surface water run-off. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance for climate change.

If soakaways are not feasible, drainage to limit the discharge rate from the site equivalent to a Greenfield run-off rate should be applied. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

No surface water run-off shall flow onto the public highway.

Recommendation: No development shall commence until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the dwelling are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

Informative: The applicant should consider employing measures such as the following:

Water Butts

Permeable paving on any new driveway/paved area
Greywater recycling system

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru Welsh water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer

Representations

The application was advertised through the erection of a site notice and press advertisement. A total of fifty one objections have been received and their concerns are summarised below;

- Impact of the development on the public footpath
- Impact of the development on biodiversity, wildlife species and great crested newts
- The development is in the greenbelt
- Significant concerns regarding highway safety
- Two storey dwellings would look inappropriate next to bungalows
- Detrimental impact to the character and appearance of the area

Planning History

No relevant planning history

Principal Planning Constraints

Public Right of Way
Flood zone

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 2 - Planning and Affordable Housing (2006)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 15 - Development in Flood Risk Areas (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20 – Planning and Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)

Local Planning Policies

SP2 - Strategic Settlement Hierarchy
SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities
SP14 - Development in Flood Risk Areas

GP1 - Development Control
GP2 – Planning Obligations
GP3 - Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP7 - Affordable Housing within Settlements
HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
CS3 – Additional Demand for Community Facilities
T2 - Traffic Management
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 - Mains Sewerage Treatment
DC13 - Surface Water Drainage
DC14 - Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide

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

Consent is sought in outline with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form separate applications for consideration at a later date.

The application site lies wholly outside the settlement boundary of Guilsfield, as detailed on inset map M138 and would result in 8 dwellings being constructed outside the settlement boundary.

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

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

Guilfield is considered a large village in the UDP. Whilst large villages do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area. It is noted that the settlement of Guilfield is served by a church, primary school, community centre, car sales garage, shop/Post office, public houses, children's play area, bowling green, tennis courts, football pitch, and telephone box.

The application site lies adjacent to the settlement development boundary of Guilfield.

From within Guilfield there are existing transport links to the Market town of Welshpool, which offers a full range of community services and facilities including a hospital, Secondary and Primary schools, Leisure Centre and Library.

Therefore, on balance it is considered that the site will be situated within a sustainable location.

Affordable housing provision

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

The Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) states that our starting point for affordable housing provision on schemes of more than 5 dwellings should be 30-35%. However, the Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic “guideline” figure contained within the UDP and on that basis, the 20% provision figure suggested is considered to be reasonable in this instance.

Within the information submitted by the applicant it is noted that there is the intention to supply two dwelling out of the eight proposed as an affordable dwelling. This will be secured via an appropriately worded conditions attached to any grant of consent.

In light of this, the proposal is considered compliant with the principle of policy HP7.

Design and layout

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 a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 8 dwellings could be accommodated on the site.

Although Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 8 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

UDP Policy ENV2 states that proposals should ‘take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape’. It goes on to state that proposals which are acceptable in principle should ‘contain appropriate measures to ensure satisfactory integration into the landscape’.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage. Whilst third parties are concerned over the height of the proposed dwellings, it is considered that through sensitive design that this can be addressed at reserved matters stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

Highway Safety

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

Following consultation with the Highways Authority no objections have been received subject to conditions. However as the application has access reserved for future consideration it would not be reasonable at this stage to attach the highways conditions.

In light of the officers comments it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Biodiversity

NRW have provided comments with regard to the proposed development.

An Extended Phase One Habitat survey report has been submitted in support of the application. NRW have commented stating that the application site is located approximately 165 metres from the Granllyn SSSI whose features include the great crested newts. The submitted report states that the proposal is not likely to harm or disturb Great Crested Newts or their breeding sites and resting places at this site provided Reasonable Avoidance Measures are adopted to minimise any impacts.

As such, following NRW's recommendations conditions will be attached to any consent securing a Construction Environmental Management Plan and an amphibian friendly water drainage scheme. NRW have offered no objections to the proposed development with regards to its impact on biodiversity.

It is therefore considered, subject to conditions that the application accords with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Flood zone

The applications site lies wholly outside the C2 flood zone, however does about its boundary. NRW advised that following a site visit it was evident that the dwellings would be built on elevated ground and therefore are not considered to be affected by flooding.

As such the application is considered to fundamentally comply with policy SP4 and Technical Advice Note 15.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies

the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

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. No ground preparation works shall take place until CEMP for Great Crested Newt has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:
 - (a) Purpose and objectives for the proposed works;
 - (b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be used);
 - (c) Extent and location of proposed works shown on appropriate scale maps and plans;
 - (d) Persons responsible for implementing the works;
 - (e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction or development. This to include details of surface water management schemes that do not include gullypots.
 - (f) Initial aftercare and long term maintenance (where relevant)
 - (g) Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

5. No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. A clear 8m corridor along the watercourses (Nant Rhyd y Moch and two smaller tributaries) to allow vehicle access for maintenance shall be maintained.
7. Surface water runoff discharging into these watercourses from the development must be attenuated to greenfield site rates.
8. No development shall commence until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The

approved scheme shall be completed before the dwelling are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

9. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/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.

10. The affordable dwelling/s shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

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 comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To prevent pollution of the water environment in accordance with policies GP1 and DC9 and to protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
6. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

8. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

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

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

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