

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1217	Grid Ref:	309511.65 305977.04
Community Council:	Llanfair Caereinion	Valid Date:	Officer: 18/10/2017 Sara Robinson
Applicant:	Mr Steve Andrew, Pear Tree Lane, Highbury, Llanfair Caereinion, Powys, SY21 0BH		
Location:	Land adjoining Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY		
Proposal:	Outline application (with some matters reserved) for erection of an affordable dwelling, installation of sewage treatment plant and improvements to vehicular access (resubmission)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application site is located outside of the development boundary and in the open countryside as defined by the Powys Unitary Development Plan (2010).

Site Location and Description

The site extends to approximately 0.06 hectare and is located to the south west of Llanfair Caereinion, the site adjoins County Class III Highway, C2013 to the south and abuts the curtilage area of Maes Hyfryd. There is further residential development at Whiteoaks to the west and the farm holding; Cae Garreg and its associated dwellings are located to the north of the site.

The application has been submitted in outline with access to be considered at this stage. It is proposed to construct a single affordable dwelling together with a new vehicular access off New Road.

Consultee Response

Llanfair Caereinion Town Council

The members of Llanfair Town Council have voted to support planning application P/2017/1217. They wish to support, in full, young people and local families in their business enterprises in the area and encourage them to remain in their community.

Highways Department

The County Council as Highway Authority for the County Class III Highway, C2013

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to the occupation of the dwellings any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

The gradient of each access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of that access and shall be retained at this gradient for as long as the development remains in existence.

The centre line of the first 10 metres of each access 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.

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 120 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.

Prior to the commencement of the development the area of each 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.

Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in accordance with CSS Wales Parking Standards excluding any garage space provided together with a turning space such that all vehicles serving each plot 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.

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 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.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 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.

Prior to the occupation of the dwelling the area of each 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.

When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

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.

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

Reasons

To ensure the safety and free flow of traffic using the adjoining class III road.

Building Control

Building Regulations application required.

Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 25.10.2017, advising us of the proposals for:

Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0BX

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

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:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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.

Environmental Health

I note that the intention is to allow the foul drainage to discharge to a watercourse. Provided that the NRW allow the exemption to discharge I have no objection to the application.

PCC Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 0.10 hectares and includes up to 1 dwelling. 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?		<p>A Preliminary Ecological Appraisal was requested for the same project under a previous planning application P/2017/0320.</p> <p>The submitted Ecological Constraints Assessment prepared by Star Ecology (August 2017) considers the proposed course of the outfall pipe from the sewage treatment works.</p> <p>These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service.</p> <p>The application site appears to be located within an agricultural field grazed by sheep and is bounded by a hedgerow to the north and west. The majority of the northern hedgerow would appear to be removed and replaced to facilitate a visibility splay. The western hedgerow, bordering a residential garden, would appear to be retained.</p>
Protected Species & Habitats ¹	European Species	Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least 3 bat species and otter from within 2km. No bat roosts or potential bat roosts

¹ Species records within 1km (minimum).

		<p>would appear to be lost as a result of the proposals. However, the northern hedgerow is likely to provide linear commuting and foraging habitat for a range of bat species.</p> <p>It would seem likely that the creation of the new visibility splay would require the removal of a large section of hedgerow. I suggest that any removed hedgerow is translocated behind the new visibility splay instead of buying and planting new stock.</p> <p>If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.</p> <p>The foul water discharge from the development would be via an outfall to an existing watercourse. The Ecological Constraints Assessment prepared by Star Ecology (August 2017) has considered the potential ecological impact of this proposal on otters and other species using the watercourse and riparian habitats, and concludes that the proposed discharge location is of low/negligible ecological value and no further ecology/protected species survey work is recommended.</p>
	UK Species	<p>There are historic records of badger and nesting bird species from the vicinity of the site; the boundary hedgerow to the north offers suitable habitat for a range of nesting 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>The Ecological Constraints Assessment (Star Ecology August 2017) found no physical evidence of badger within 50m of the proposed outfall pipe.</p> <p>The hedgerow to be removed could also provide suitable shelter for common reptile species. It is recommended that a reptile and small animal Reasonable Avoidance Method Statement is agreed with the LPA prior to commencement of works to prevent potential harm during any vegetation clearance required to facilitate the proposed access and associated sightlines.</p>
	Section 7 Species & Habitats	<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 and rivers are Section 7 Priority Habitats that are present within the site. There are historic records of the Section 7 Priority Species Hedgehog and Hare from within 2km of the site, and suitable habitat for hedgehog at the site. I have therefore recommended that the section of northern hedgerow that would be removed for the visibility splay is translocated along the new visibility splay instead.</p> <p>The proposed new hedgerow planting around the site boundary is welcomed and should consist of native, locally-occurring species.</p> <p>Rivers are a Section 7 priority habitat. As the proposed development will connect to a sewage treatment plant, which will discharge to a watercourse, I recommend that NRW are consulted regarding consents for the discharge.</p>
	LBAP Species & Habitats	See previous observations.
Protected Sites	International Sites (within 1km)	None within the search area.
Protected Sites	National Sites (within 1km)	None within the search area.
Protected Sites	Local Sites (within 500m)	None within the search area.
Invasive Non-Native Species	No	None were identified in the Ecological Constraints Assessment, Star Ecology (August 2017).
Recommendations		<p>If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.</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>The proposed new hedgerow planting around the site boundary is welcomed and should consist of native, locally-occurring species.</p> <p>As the proposed development will connect to a sewage treatment plant, which will discharge to a watercourse, I recommend that NRW are consulted regarding consents for the discharge.</p>

<p>Further information required prior to determination of application</p>	<p>N/A</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Landscape Planting plan including a Species List and details of any translocated hedgerows 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 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><i>Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement 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>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 • intentionally take or destroy the egg of any wild bird • intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 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</p>

	<p>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>Reptiles - Wildlife & Countryside Act 1981 (as amended) All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</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>

Natural Resources Wales

Consultation Received 13/11/2017

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Consultation received 24/11/2017 09:51

Thanks for bringing this to my attention.

I responded to P/2017/1217 in accordance with item 20 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>).

I did not realise at the time that Claire had already made comments on a previous proposal at this location.

I read Claire’s response to P/2017/0320 and note she had significant concerns with regards to the proposed foul water disposal approach and requested a Foul Drainage Assessment to be submitted.

My question is, are you aware whether there is a main sewer line within 30m of the proposed dwelling? We do not have that information.

If there is, it is worthwhile pointing out to the applicant that NRW may not grant a permit for the proposed sewage treatment plant unless it can be demonstrated that it would be the most appropriate way of disposing of foul water. The applicant would therefore be encouraged to demonstrate this via submission of a Foul Drainage Assessment to your authority.

If however you know there is no mains connection within 30m, then our standard advice would apply:

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Consultation received 24/11/2017 11:50

Based on the information provided we would only make standard comments.
Nothing further to add.

Consultation received 24/11/2017 11:58

Apologies if I haven't been clear.

We would not normally comment on this type of application so my email of 13/11/2017 is still valid.

If you want to pass on the standard advice I have listed in my previous email below please do so, however as stated in my response, it is the applicant's responsibility to ensure that they secure all other permits/consents relevant to their development.

I trust this clarifies our position.

Cllr Gareth Jones

As the local member I wish to call in the above application. It has previously been before committee and was refused. There is a lot of strong support within our community for this application and indeed frustration that it was initially refused on a vote of 10 - 9. I feel that the planning committee should be given the opportunity to reconsider this application, especially given the fact the officers report and dialogue in committee stated the site was 250m away from the development boundary, when its only 90m.

Representations

Following display of a site notice on 27/10/2017 for a period of 21 days no public representations have been received by Development Management at the time of writing this report.

Planning History

P/2017/0320 - Outline: Erection of a detached dwelling, installation of a sewage treatment plant and improvements to existing access – Conditional Consent

Principal Planning Constraints

Class 3 Road C2013

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)

Technical Advice Note 1-Joint Housing Land Availability Studies (2015)

Technical Advice Note 5-Nature Conservation and Planning (2009)

Technical Advice Note 6-Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12-Design (2014)

Technical Advice Note 18-Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)

Local planning policy

Unitary Development Plan for Powys (March 2010)

SP1-Social, Community and Cultural Sustainability
SP2-Strategic Settlement Hierarchy
SP5-Housing Development
GP1-Development Control
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
HP6-Dwellings in the Open Countryside
TR2-Tourist Attractions and Development Areas
DC11-Non Mains Sewerage Treatment
DC13-Surface Water Drainage
T1 - Highway Improvement Schemes
T2 - Traffic Management

Powys Residential Design Guide (2004)

Powys Joint Housing Land Availability Study (2016)

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

The application is for outline consent for an affordable dwelling 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 Llanfair Caereinion, and would therefore result in a new dwelling being constructed outside the settlement boundary. For the purposes of the Powys Unitary Development Plan, the site subject to this application therefore 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.

Llanfair Caereinion is classified as an area centre within the UDP. The town has a full range of community services and facilities. The High School and Leisure Centre act as a focus for community activities, whilst the town centre provides a range of retail and financial services with employment being provided at the existing industrial estate.

The application site is approximately 119 metres from the edge of the settlement development boundary of Llanfair Caereinion.

The settlement is located on a public bus route and has good road connections with the A458 trunk road providing good access between Welshpool, Shrewsbury and Newtown. Llanfair Caereinion is therefore considered an appropriate location for further development on the grounds of sustainability.

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 appearance, layout and scale are reserved and will be dealt with at a later point

in time, it is relevant to consider whether the dwelling proposed could be appropriately development on the site.

The application site comprises a modest plot which adjoins the curtilage of an existing dwelling. The site is currently semi improved agricultural land with a mature hedgerow separating the site from the highway. Given the natural boundary with the unclassified highway and the level aspect of the site and that there are other residential dwellings in the area, no concern is raised regarding the short range views along Watergate Street.

The site is in an area of agricultural land that when viewed from longer to midrange views sits between existing farm and residential development to the north, east and west, it is therefore considered development of the site would broadly be in keeping with the character of the area and development along Watergate Street.

The existing character of Llanfair Caereinion is a settlement with its development core flanking the River Banwy and extending out along the feeder roads, including Watergate Street, this development would broadly continue the existing form of development. Based on this appraisal it is considered that a satisfactory development could come forward that would not unacceptably harm the character of the settlement or surrounding area.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Highway access and parking

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking.

A new vehicular access would be constructed off the C2013 (Watergate Street) to the north east of the development site.

The Highway Authority have raised no objection to the construction of a new access onto the C2013 classified highway, subject to the recommended conditions forming part of any forthcoming consent. Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Impact upon amenities enjoyed by occupiers of neighbouring residential properties and the proposed dwellings

UDP 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.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting, orientation and elevation, and it is not believed that the proposal would unacceptably impact on residential amenity.

The closest neighbouring property is Maes Hyfryd which adjoins the site boundary to the west, taking into consideration the small scale of the proposal and siting of Maes Hyfryd

away from the curtilage boundary, it is not believed that the proposal would unacceptably impact on residential amenity.

As such, subject to details on appearance and layout which would be considered at reserved matters stage, it is considered that adequate provision could be made for amenity in terms of privacy as set out within the Powys Residential Design Guide and UDP policy GP1.

Foul sewage disposal

The submission indicates that foul sewerage would be disposed of via a private means of treatment: package treatment works.

The preferred method of foul sewage disposal is via the mains sewer, the agent has confirmed that there is no mains sewer within an acceptable distance of the site.

Natural Resource Wales and Environmental Health have raised no objections in relation to the proposed drainage of the site.

It is therefore considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with Welsh Officer Circular 10/99 and 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.

It is noted that the proposed surface water drainage arrangements (soakaways) are based on the assumption that ground conditions will be suitable for soakaways which is not an unusual occurrence for an outline application where only the principle of development is sought.

Having considered the detail of the submission, it is considered that there is satisfactory space within the development to secure a drainage scheme that would manage the existing drainage on the site and not exacerbate or create flooding elsewhere.

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 (TAN1 5 and Planning Policy Wales).

The site is primarily grazed semi improved agricultural land, the site is bounded by a hedgerow to the north and west. The majority of the northern hedgerow would appear to be removed and replaced to facilitate a visibility splay. The western hedgerow forms a boundary with the neighbouring property and as such is likely to be retained.

Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least 3 bat species and otter from within 2km. No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. However, the northern hedgerow is likely to provide linear commuting and foraging habitat for a range of bat species.

The foul water discharge from the development would be via an outfall to an existing watercourse. The Ecological Constraints Assessment prepared by Star Ecology (August 2017) has considered the potential ecological impact of this proposal on otters and other species using the watercourse and riparian habitats, and concludes that the proposed discharge location is of low/negligible ecological value and no further ecology/protected species survey work is recommended.

The creation of the new visibility splay would require the removal of a large section of hedgerow. The Ecologist suggests that any removed hedgerow is translocated behind the new visibility splay instead of buying and planting new stock. It is also further considered that if additional lighting is also required a sensitive lighting scheme is also implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

The Ecologist recommends 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.

As the proposed development will connect to a sewage treatment plant, which will discharge to a watercourse, the ecologist recommend that NRW are consulted regarding consents for the discharge. Natural Resources Wales were asked for further comments regarding the discharge into the water course and stated that the applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch.

In light of the above and subject to the inclusion of the recommended conditions and the grant of a permit it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities

to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

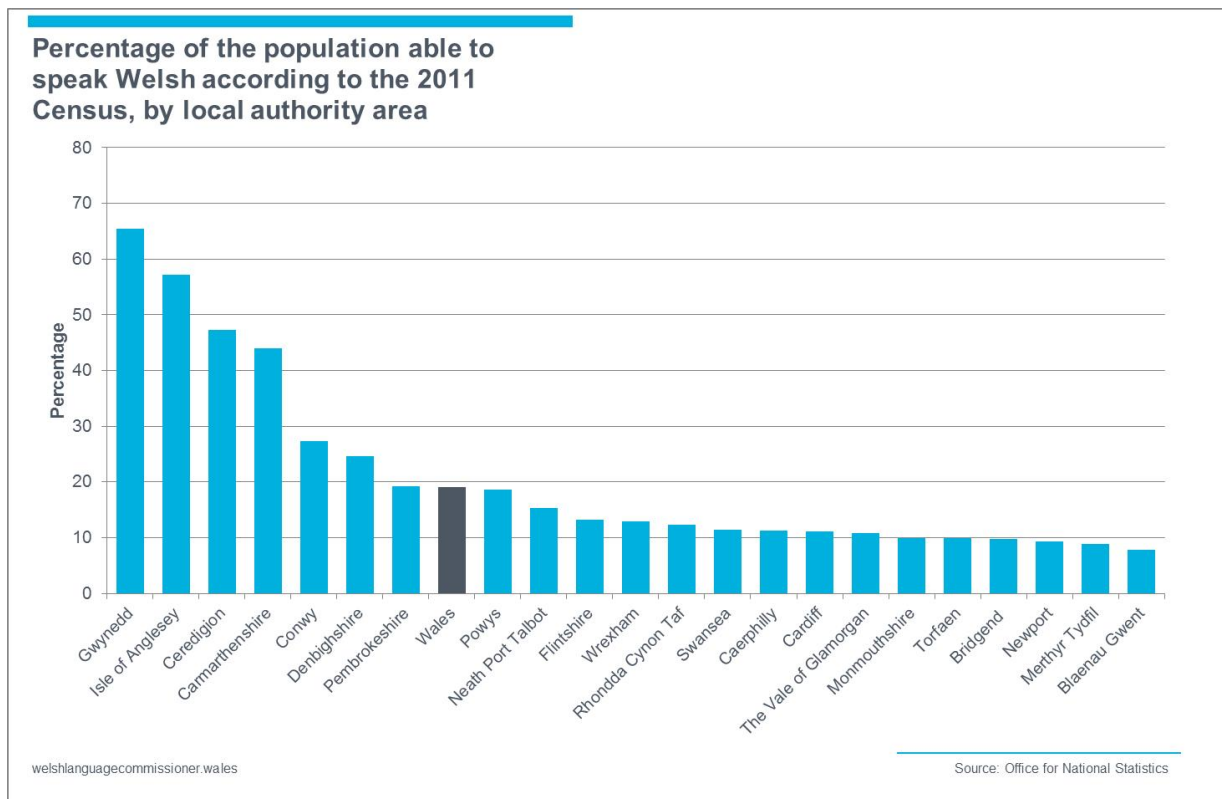
With regards to the Development Management function, PPW states as follows:

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

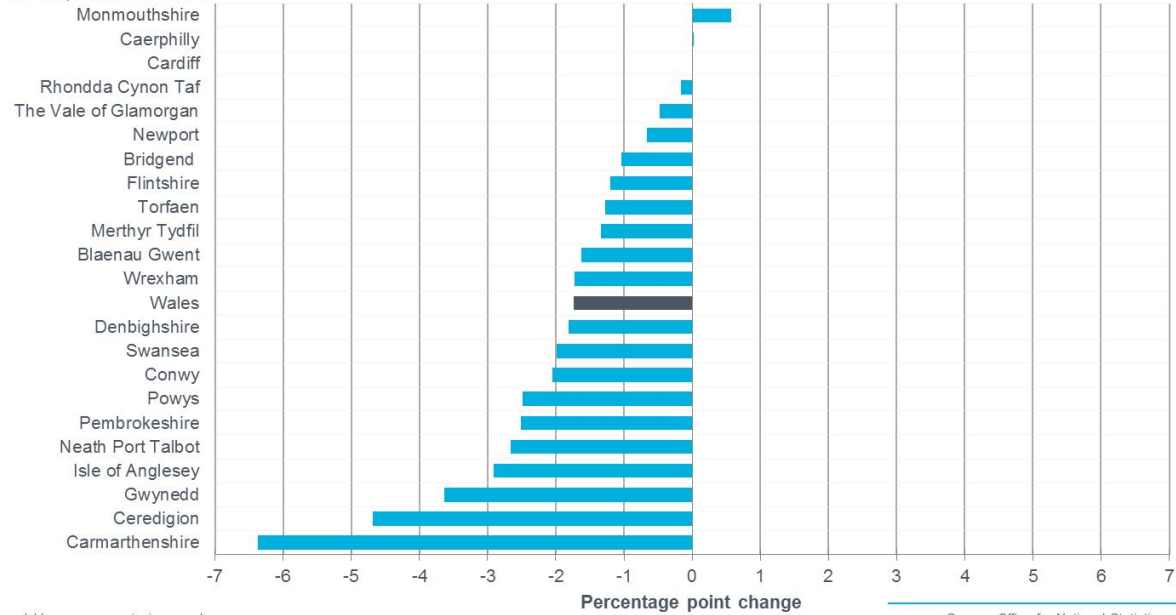
Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanfair Caereinion has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;



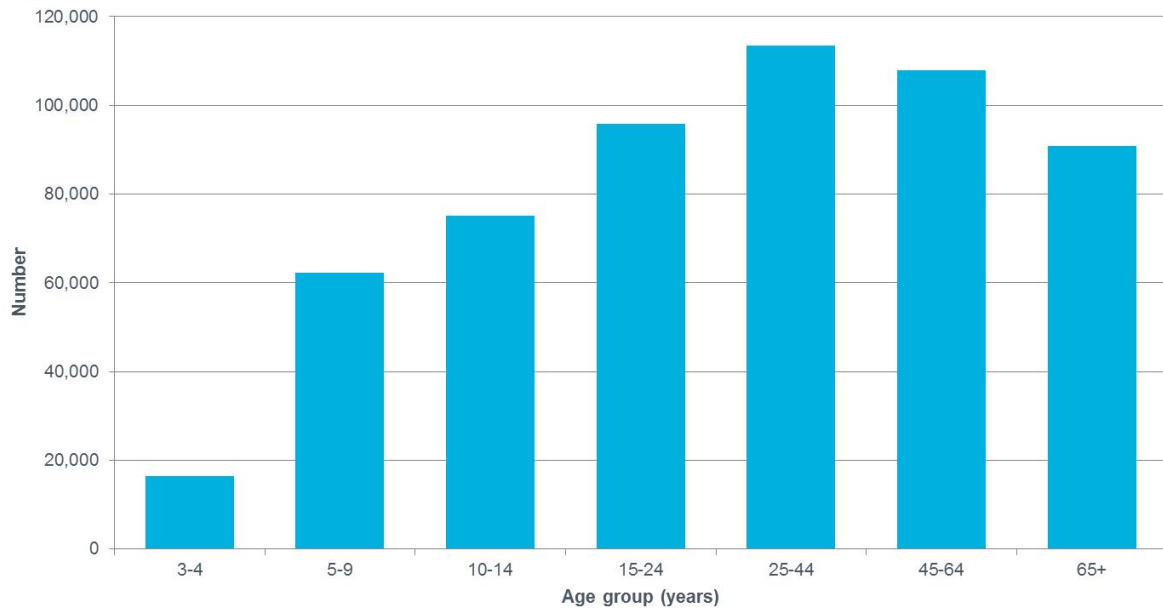
Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics

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



welshlanguagecommissioner.wales

Source: Office for National Statistics

2001 Census

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
1,563	122	79	24	499	55	784

2011 Census

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
1,757	910	148	632	74	40	512	73

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	36	39	632	613
3-15	62.3	56.5	198	183
16-64	29.5	31.9	326	313
65+	32.2	43.8	108	117

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64 age category. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

“We accept that Llanfair is an identified settlement under Policy GP 5 and as such we have taken the importance of the Welsh Language and Culture into account through the provision of a housing mix, through the sustainable location and obviously through the provision of affordable homes”.

It is not considered that a development of a single affordable dwelling proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence, this aids in retaining those residents and helps to mitigate against the impact of a development on the Welsh language.

In relation to economic development, it is considered that the potential construction of the dwelling would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade’s people. It is therefore considered that the construction of this development would have a neutral or

positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanfair Caereinion and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

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.

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 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 subject to conditions.

Conditions

1. Details of the layout, appearance, landscaping 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 on XXXX in so far as the extent of the application site is drawn.
5. 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 timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - ii. 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)];
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. 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.
6. The affordable dwelling hereby approved 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 2013 (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.
7. Prior to the occupation of the dwellings any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as

to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

8. The gradient of each access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of that access and shall be retained at this gradient for as long as the development remains in existence.
9. The centre line of the first 10 metres of each access 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.
10. 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 120 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.
11. Prior to the commencement of the development the area of each 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.
12. Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in accordance with CSS Wales Parking Standards excluding any garage space provided together with a turning space such that all vehicles serving each plot 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.
13. 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 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.
14. The width of the access carriageway, constructed as condition 11 above, shall be not less than 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.

15. Prior to the occupation of the dwelling the area of each 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.
16. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.
17. Upon formation of the visibility splays as detailed in condition 10 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.
18. No storm water drainage from the site shall be allowed to discharge onto the county highway
19. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method and Implementation Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
20. Prior to the first installation of any external lighting a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval. Development thereafter shall be completed in full accordance with the details as approved.
21. 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 use of the development and retained in perpetuity.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
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 order to ensure the provision of affordable housing in accordance with policies HP9 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

6. In order to ensure the provision of affordable housing in accordance with policies HP9 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
7. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
8. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
9. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
10. 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 Unitary Development Plan policies GP1 and GP4.
19. 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 Part 1 Section 6 of the Environment (Wales) Act 2016.
20. 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

21. In the interest of adequate disposal of foul sewage and surface water in accordance with Welsh Officer Circular 10/99 and Unitary Development Plan Policy DC10.

Informative Notes

Building Control

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

Wales and West Utilities

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Biodiversity

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

