

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1191	Grid Ref:	300917.62 310833.8
Community Council:	Banwy	Valid Date:	Officer: 13/10/2017 Sara Robinson
Applicant:	Mr & Mrs Rees, Tanyllan 11, Tregynon, Newtown, Powys, SY16 3HA		
Location:	Land adj to Hen Efail, Foel, Welshpool, Powys, SY21 0PU		
Proposal:	Outline: Erection of a detached dwelling and garage, and all associated works (some matters reserved)		
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

This application is in respect of the erection of a dwelling and garage. The application has been submitted in outline with all matters reserved.

The application site is located within the rural settlement of Rhandir and close to the small village of Llangadfan. The site is currently part of an agricultural field and is bound to the north by the class III highway, the C2111. To the east, south east, west and north west there are a number of detached dwellings located in a linear pattern along the county highway. The site extends to 0.15 hectares in area.

Consultee Response

Banwy Community Council

Following a recent Council meeting, I am writing to advise that Banwy Community Council supports this application.

One outline planning application has already been granted on the site with Community Council support based on the specific needs of a known applicant. Proposals for full consent (P/2017/1104) have been supported by the Council and are awaiting determination. Highways access is a major part of this application, and the proposed access makes provision for access to the remainder of the site.

The current application is from a young family known to the Council seeking to move closer to relatives. Their application makes use of the shared access and therefore raises no new access issues with the C2111 road.

In the Council's view, the site is close to both eastern pockets of the dispersed Llangadfan small village identified in the current UDP. With one dwelling already consented in outline and with the circumstances of the applicants for this adjacent plot, the Council believes this is acceptable and worthwhile infill on the site.

Powys Highways

The County Council as Highway Authority for the County Class III Highway, C2111

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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 the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

The centre line of the first 5.5 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.

Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction.

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 occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 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.

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 and 60mm of bituminous macadam binder course material for a distance of 5.5 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 dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom, up to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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 conditioned above, shall be not less than 5.5 metres for a minimum distance of 5.5 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.

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

Powys Building Control

No comments were received at the time of writing this report.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 20.10.2017, advising us of the proposals for:

Henefail, Llangadfan, Welshpool, Powys, SY21 0PU

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.

Powys Environmental Health

As the proposed dwelling will connect to the mains foul drainage, I have no objection to the application.

Ecology-

Ecological Topic		Observations
EIA Screening Opinion needed?	No	Powys Council have provided a screening opinion for the application. No Environmental Impact Assessment (EIA) has been requested, as whilst the proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment (Wales) Regulations 2017, it does not exceed the applicable thresholds and criteria specified in the Regulations. In the opinion of the Local Planning Authority (LPA), the development is not likely to have any significant environmental effects.
Ecological Information included with application?	No	<p>No ecological information has been submitted with the application. Observations have been made based on the historic biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service, and through using the available plans and aerial imagery.</p> <p>The proposed development site is located on an area of greenfield land consisting of 0.1 hectares. The River Banwy, which is bordered with mature trees, is located approximately 160m north of the site. Aerial imagery shows the proposal site's agricultural land is bounded by hedgerows and mature trees, and a pond lies a short distance to the north.</p> <p>The proposal site is within the rural settlement of Rhandir and is situated on agricultural land within a cluster of dwellings.</p>
Protected Species & Habitats¹	European Species	<p>A number of historic records of European Protected Species have been found within the search area of the proposals.</p> <p>Several species of bat have been recorded within 1km, including Common and Soprano Pipistrelle, Noctule, and</p>

¹ Species records within 1km (minimum).

	<p>Natterer's bat. An unknown species of bat has also been found. The trees and hedgerows in the area surrounding the proposed development may offer suitable roosting, commuting and foraging habitat for bats. I therefore suggest that the northern boundary hedgerow to be removed is translocated along the new visibility splay instead of buying and planting new stock.</p> <p>Several small, ivy-clad trees are located at the proposed entrance to the site and would appear to need to be removed. It is therefore recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during tree works. If bats are encountered on site works should stop immediately and NRW should be contacted. Recommendations are made for sensitive felling procedures to be applied.</p> <p>Historic records of Otters and Atlantic Salmon have also been found within the search area. Due to the nature, scale and location of the proposals, no adverse impacts on these species are anticipated.</p>
UK Species	<p>Historic records of Badgers have been found within the search area of the proposed development; although these records were not in the immediate area. The surrounding open agricultural land and hedgerows may offer suitable habitat for badgers, however, no adverse impacts are anticipated as a result of the development.</p> <p>Common Lizards have also been recorded within the search area of the proposals. The hedgerow that borders the site to the north could provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access and associated sightlines. Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>The boundary hedgerow to the north also offers suitable habitat for a range of nesting bird species. I therefore 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>

	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>In addition to the species above, a number of Section 7 Priority Species have been recorded within the search area of the proposals, including Brown/Sea trout and Marsh Fritillary. Due to the nature, scale and location of the proposals, no adverse impacts on these species are anticipated as a result of the development.</p> <p>Historic records of Hedgehogs have also been found within the search area. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider hedgehogs.</p> <p>Hedgerows are a Section 7 Priority Habitat and a hedgerow borders the north of the proposed site. Based on the submitted plans, it appears that the northern hedge would be removed to facilitate the proposed new site boundary. I recommend that the extent of vegetation removal is kept to a minimum and where it needs to be removed this should be mitigated through translocation and shown in a proposed landscape design drawing.</p> <p>Additionally, it is to my understanding that two new hedgerows to the front and rear of the property are to be planted as part of the development along with a series of trees. I recommend that native, locally-occurring plant species are included in all landscaping associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development.</p> <p>There are records of nesting House Sparrows within the search area. As a site biodiversity enhancement measure I recommend that a bird nest box appropriate for House Sparrows is provided within the new development.</p>
	LBAP Species & Habitats	Please refer to the observations above.

Protected Sites	International Sites (within 1km)	No internationally protected sites were found within 1km of the proposals.
	National Sites (within 1km)	No nationally protected sites were found within 1km of the proposals.
	Local Sites (within 500m)	None found within the search area.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application to determine the presence of any invasive non-native species.
Recommendations	<p>As a precaution it is recommended that the following sensitive felling procedure be implemented to minimise disturbance to bat populations. If bats are encountered on site works should stop immediately and NRW should be contacted:</p> <ul style="list-style-type: none"> • Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season. • If the tree trunk is smaller than 200mm diameter and if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (<i>i.e.</i> avoiding the bird breeding season). • To avoid disturbing nursery roosts, work will never be carried out between June and August inclusive. • If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should be cut only in September and October when bats, including young are still mobile and able to fly-out. • Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape. • Where the loss of mature trees is unavoidable, compensatory planting with appropriate locally native species, preferably of local provenance, should be undertaken. <p>I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development.</p> <p>Due to the presence of Section 7 bird species, I recommend that a bird box suitable for nesting House Sparrows should be erected.</p>	

	<p>I suggest that the northern boundary hedgerow to be removed is translocated along the new visibility splay instead of buying and planting new stock.</p> <p>I recommend that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and hedgehogs during any vegetation clearance required to facilitate the proposed access and associated sightlines. Suitable mitigation should also be provided to offset any losses of suitable reptile and hedgehog habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</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>Further information required prior to determination of application</p>	<p>I consider that sufficient information has been provided to determine the ecological impact of this proposal.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan, including appropriate nest box and species planting mix proposals, 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 NERC Act 2006.</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</p>

strategies, and the Environment (Wales) Act 2016.

Informatives

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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as

	<p>amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</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>

Representations

Following display of a site notice on 27/10/2017 for a period of 21 days six public representations of support have been received by Development Management at the time of writing this report.

- Important to keep young local people in the area
- Dwelling is in keeping with surrounding properties
- Benefits the school & Welsh Language
- The applicant works locally so the development is sustainable
- The site is appropriate for development and is close to other properties.

Planning History

P/2016/0849 - Erection of a dwelling and garage – Conditional Consent

P/2017/1104 - Reserved Matters application relating to erection of a dwelling and garage following outline approval P/2016/0849 – Decision Pending

Principal Planning Constraints

Class 3 Road

Principal Planning Policies

National planning policy

Planning Policy Wales (9th Edition, 2016)

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

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

Technical Advice Note (TAN) 12 - Design (2016)

Technical Advice Note 20: Planning and the Welsh Language (2017)

Technical Advice Note (TAN) 23 - Economic Development (2014)

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

Local planning policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

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

HP14 – Sustainable Housing

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC8 – Public Water Supply

DC11 – Non mains Sewage Treatment

DC13 – Surface Water Drainage

TR2 – Tourist Attractions

T1 - Highway Improvement Schemes

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 site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010) and is within the rural settlement of Rhandir.

Outside of settlement boundaries, UDP Policy HP4 applies and states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Rhandir is defined in the UDP as a rural settlement. The Small Village of Llangadfan is a short driving distance of 0.3 Kilometres to the east of Rhandir which offers services.

In this instance, whilst the development is located in the rural settlement of Rhandir, it can also be considered to be adjoining the settlement of Llangadfan. Llangadfan is classed as a small village within the Powys Unitary Development Plan and is considered to be an appropriate location for small scale residential development. The settlement is served by a church, primary school, community centre, football pitch, public house, garage, local shop and café. It is also served by a bus route. In light of the above, it is considered that the site is a sustainable location for the development of a single residential unit.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development at this location given its siting within an existing rural settlement. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in outline with some matters reserved to be considered during the submission of the reserved matters.

Whilst access, scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the single dwelling proposed is to be a detached two storey dwellings with five bedrooms.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling 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.

Siting

Rhandir settlement consists of detached dwellings located in a linear pattern along the county highway. The proposed site is located opposite the dwellings known as Hen Efail and Maes Dderwen. The site is located adjacent to the dwelling permitted under application reference P/2016/0849 as it was considered that the site did form part of the settlement of Rhandir.

In light of previous judgements made by the Council, it is considered that the current proposal site is integrated within the rural settlement and accords with the policy on this matter. Due to this permitted dwelling and the surrounding existing dwelling this exception site is considered acceptable in visual impact terms.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the dwelling will be located adjacent to the east the dwelling permitted under P/2016/0849. The dwelling known as Hen Efail is located approximately 15 metres to the north of the proposed site boundary.

The indicative layout shows that the dwelling would be located approximately 23 metres to the north east of the proposed dwelling and it is considered that there is sufficient distance between the existing property and the proposed dwelling as to not have a significant adverse impact upon the amenities enjoyed by the occupants of the Hen Efail.

This layout is for indicative purposes only and the layout of the site could be altered at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission proposes the plantation of trees. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite and adjacent to existing dwellings within the settlement, that landscaping measures would reduce the visual impact and that the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding entrance gates, parking provision and access construction methods and materials.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Foul and Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

Policy DC10 of the Powys Unitary Development plan seeks to ensure that development proposals are only permitted where they can be adequately served by the public foul sewerage system.

Severn Trent Water were consulted on the application and stated that 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. Environmental Health were also consulted and stated that provided the proposed dwelling is connected to the mains foul drainage I have no objection to the application.

In light of this, subject to appropriately worded conditions it is considered that surface water drainage can be appropriately managed.

Ecology and Biodiversity

As part of this application process our County Ecologist had been consulted and has provided comments on the application. The Ecologist stated that having reviewed the proposed plans as well as local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified a number of historic records of European Protected Species have been found within the search area of the proposals. Several species of bat have been recorded within 1km, including Common and Soprano Pipistrelle, Noctule, and Natterer's bat. Historic records of Otters and Atlantic Salmon have also been found within the search area. Due to the nature, scale and location of the proposals, no adverse impacts on these species are anticipated.

No internationally or nationally protected sites were found within 1km of the proposals.

The ecologist has stated that as a precaution it is recommended that the stated sensitive felling procedure be implemented to minimise disturbance to bat populations. If bats are encountered on site works should stop immediately and NRW should be contacted.

The Ecologist has therefore requested that a number of conditions and informative are attached to any grant of planning permission. The ecologist has also made recommendations for the applicant and agents consideration.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst it is not identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Banwy Ward reported that 55.6% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 61.3% of the population of Banwy spoke Welsh. The development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or 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 the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.

6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 5.5 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.
8. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction.
9. 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.
10. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 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.
11. 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 and 60mm of bituminous macadam binder course material for a distance of 5.5 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 dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom, up to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
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 conditioned above, shall be not less than 5.5 metres for a minimum distance of 5.5 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. No storm water drainage from the site shall be allowed to discharge onto the county highway.
16. Prior to commencement of development, a Biodiversity Enhancement Plan, including appropriate nest box and species planting mix proposals, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
17. 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.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
6. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
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.
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15. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
16. 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 NERC Act 2006.

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

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.

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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

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.