

## Planning, Taxi Licensing and Rights of Way Committee Report

### UPDATE REPORT TO ORIGINAL REPORT AUGUST 2017

<b>Application No:</b>	P/2017/0078	<b>Grid Ref:</b>	315770.54 253230.59
<b>Community Council:</b>	Glascwm	<b>Valid Date:</b>	<b>Officer:</b> 31/01/2017 Tamsin Law
<b>Applicant:</b>	Sheila Powell c/o Agent		
<b>Location:</b>	Land at Glascwm, Glascwm, Powys		
<b>Proposal:</b>	Full: Erection of a single dwelling, creation of access, installation of septic tanks and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

#### The reason for the update

Additional correspondence has been received from a third party and the Local Member and to provide further clarification on the development.

#### Representations

Additional correspondence has been received opposing the proposed development as is summarised below;

- The change from two dwellings to one dwelling does not alter any previous objections.
- The number of houses does not change the fact that an approval would be contrary the UDP.
- The design of the building would negatively impact the character of the settlement.
- Any approval could be used as a precedent for future development not only in Glascwm but anywhere in the County.
- Concerns over future development of the site.

Correspondence received from Councillor Maureen Mackenzie has been appended to this report.

#### Planning History

Further clarification regarding the history of the site is provided below.

In 2004 outline planning permission was granted at appeal for the development of four dwellings. In 2007 an application for reserved matters was submitted and subsequently refused by the Council. The applicant then submitted an appeal which was dismissed by the Planning Inspectorate.

In 2008 an application was submitted to allow further time for reserved matters to be submitted for approval. Planning application P/2008/1792 was refused on the 16<sup>th</sup> December 2008 as the application site fell within an area of open countryside. The applicant appealed the decision which was then dismissed by the Planning Inspectorate due to the development being outside the development boundary.

A further application to extend the time for reserved matters to be submitted was received in 2009. Planning application P/2009/0522 was refused on the 30<sup>th</sup> September 2009 on the basis that the site was located within an area of open countryside and would be detrimental to the visual amenity and rural character of the area.

## **Officer Appraisal**

### Visual Amenity

Officers consider that the proposed development, being a full planning application, provides sufficient detail to ensure that the development assimilates well into the surrounding landscape and does not have a detrimental impact on the character and appearance of the area. The use of stone walls, slate roof and timber windows and doors will echo materials used in existing dwellings in the settlement. Whilst concerns have been raised over the design of the dwelling the dwelling would be set at a lower level than surrounding properties, other dwellings within Glascwm are large and detached, some being three storey, and more recent developments are of a similar design. As such it is considered that the proposed dwelling would not have a detrimental impact on the character and appearance of the area.

As the site slopes down away from the adjoining road it is considered appropriate to require existing and proposed site levels to ensure that the completed dwelling does not have any detrimental impact on the surrounding area or amenity.

### Highway Safety

For clarification in relation to highways comments regarding third party land, confirmation was received from the adjoining landowner that nothing will be built or planted in the line of the visibility and they are aware of the application as submitted. Following receipt of this information Powys Highways were consulted and had no further comment to make on the application.

### Listed Buildings

Policy ENV14 states that proposals for development unacceptably adversely affecting a listed building or its setting will be refused. Technical Advice Note 24: The Historic Environment (2017) provides further guidance on Listed Buildings.

The application site lies approximately 35 metres to the east of a listed telephone box and approximately 185 metres to the east of a listed church. The phone box is located within a triangular parcel of land in the centre of Glascwm. Between the site and the phone box lies a residential garage and mature trees which screen the development from the telephone box and it is considered that the development would not be visible from the telephone box. Due to the topography of the land the church lies at a higher level than the application site and mature trees surround the listed church, screening the building from the proposed development. It is considered that the distance maintained from the listed buildings, the existing screening and that the proposed dwelling will be seen in the setting of existing residential dwellings.

It is considered that the proposed materials used in the development, timber, slate, stone and render are traditional and will complement the listed structures in the area.

As such it is considered that the proposed development does not have an unacceptable impact on the setting of nearby listed buildings and is in accordance with policy ENV14 and Technical Advice Note 24 (2017).

## **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 outline in the update report.

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans (drawing no's: 1157-004 and 1157-002) stamped as approved on xxxxx.
3. 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.
4. 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.
5. No other development shall commence until the access has been 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 45 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.
6. Before any other work commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

7. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Before any other work commences 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 0.35 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.
9. Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 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,
10. Upon formation of the visibility splays as detailed in 5 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.
11. No storm water drainage from the site shall be allowed to discharge onto the county highway.
12. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:  
  
0800 - 1800 hrs Monday to Friday  
0800 – 1300 hrs Saturday  
At no time on Sunday and Bank Holidays  
  
Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
13. During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.
14. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: [markwalters@cpat.org.uk](mailto:markwalters@cpat.org.uk) Tel: 01938 553670). After approval by the Local

Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

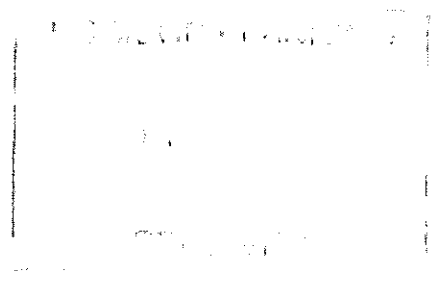
15. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
13. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
14. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
15. In the interest of the amenity of the area in accordance with Policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

rechecked ✓

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PENARTH,  
Cregina,  
Llandrindod Wells,  
LD1 5SF.

23/07/17.

Dear Tamsin Law,

Re : P/2017/0172

Please give my apologies to the planning committee for my absence,

I feel it is appropriate that I give a sense of my position in respect of this application.

Historically, I was not directly involved with any application on this site as it overlapped Council elections, and therefore my new role as the local Member. I know the area quite well, living within 2/3 miles just outside the adjacent village of Cregina, in a well established farmhouse surrounded by open farmland.

Our family have taken part in church, village and wider community events in Glascwm over the last 20 years, but I consider I have neither a personal nor a prejudicial interest in this matter. I have been the County Councilor for the Llanelwedd Ward since May 2008.

I was present at the Community Council meeting when this application was initially discussed, and also at a meeting of the Glascwm Housing Action Group by request and at the invitation of some local constituents.

In respect of the application on this site I am aware of the past issues, prior to the present application, which have left a 'bad taste' and an unsightly old metal portacabin which served as a reminder until very recently.

Glascwm has been designated as a "rural settlement" within the UDP. It is an attractive rural settlement with a Medieval Church, a Rectory and some traditional Welsh farm cottages. It is however relatively distant from amenities; the journey to the towns of of Builth Wells and Llandrindod Wells definitely requires vehicles and parents. School transport is limited to school journeys and there is no longer a bus service. Younger residents therefore are restricted unless they have additional resources such as parents who have flexible work patterns.

There was no local consultation by the Applicant about this proposed development, whether for two houses or one. This, I believe, is why members of the Glascwm Housing Action group have sought my support. I am aware that some members of the surrounding community members do not have the

same reservations but this conflict of views is not the issue. The issue is that of the Powys County Council Development plan in which development in a rural settlement is outwith the UDP.

There may a case to be made for more housing in this rural locality and in particular for more affordable housing – whether for purchase or rental – but this case has not been made to date and is not a part of the Council's current Policy. Unless and until this has been agreed, I think it important that the Council respects and is seen to respect its own already agreed Policy, and only gives consideration to applications which would breach these Policies in the most exceptional circumstances.

I cannot myself see that this application presents any such exceptional circumstances and I trust that the Committee will take its responsibilities to respect the Council's agreed Policy with due seriousness and not risk undermining public confidence in the Council's integrity with any casual or poorly thought through decision.

*Maureen Mackenzie.*  
County Councillor.