

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1293	Grid Ref:	300381.26 311445.43
Community Council:	Banwy	Valid Date:	Officer: 06/11/2017 Eddie Hrustanovic
Applicant:	Joy Williams, Cyffiau, Trefeglwys, Caersws, Powys, SY17 5RF		
Location:	Land adjacent to Llangadfan Cemetery, Llangadfan, Powys		
Proposal:	Outline application (with some matters reserved) for erection of 5 dwellings with detached garages, formation of vehicular access and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

Cllr. Myfanwy Alexander has called-in this application for determination as the application site is located outside of the development boundary.

Site Location and Description

The application has been made in outline with some matters reserved and seeks consent for the construction of 5 dwellings (4 open market + 1 affordable unit), formation of vehicular access and all associated works at land adjacent to Llangadfan Cemetery, Llangadfan.

The site is located north west of Llangadfan, east of Foel and it is adjacent to A458 Trunk Road approximately 150 metres to the nearest point from the designated settlement boundary at cantered around Ysgol Dyffryn Banw. It is important to note that Llangadfan is dispersed in its nature as indicated within Powys UDP (insert map M158), which consist of 3 distinct clusters, first grouped around Cann Office Hotel, second cluster on the south bank of the River Banwy and third cluster around the primary school. As noted above the application site is approximately 150m away from the 3rd cluster.

The site is currently in agricultural use with existing access and to the north the site is bounded by the A458 Trunk Road, existing cemetery to the west, agricultural fields to the east and south.

The indicative layout shows 5 detached dwellings with garages and private parking areas.

Consultee Response

Banwy CC

Following a recent Council meeting, the Community Council have considered this application and have decided to object on the following main grounds.

- 1) Location - The site is not only outside the UDP planning zone for this part of Llangadfan but is well away from the existing housing area. It would be an isolated site on the opposite side of the A458(T) with no connecting footpath to existing residential development or to the primary school. It would necessitate a new access point onto the A458(T) at a point which is currently not subject to a speed limit. Regular access would almost always need to be by car and would involve crossing the westbound carriageway because the majority of everyday facilities (school, shop, pub, doctor, filling station etc.) are located to the east.
- 2) Need - The proposal is speculative. There are a number of existing dwellings available on the market. The Council has no evidence of need for new open market or affordable housing in such a location.
- 3) Access - Although no response has yet been seen from the Trunk Road Agency, the Council is not in favour of a new access onto the A458(T) at this point. The road is unrestricted at the present time, and there are visibility issues in respect of eastbound traffic both in respect of distance and varying road levels to the west of the proposed entrance. These visibility issues have already been flagged in respect of agricultural vehicles looking to turn right towards Foel out of the U2075 roughly opposite the proposed new access.

Wales & West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

STW

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Environmental Health

I have no objection to the application.

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1293 which concerns the outline application (with some matters reserved) for erection of 5 dwellings with detached garages, formation of vehicular access and all associated works on land adjacent to Llangadfan Cemetery, Llangadfan.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 18 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows and trees on the boundary of the development is considered to be of moderate ecological value.

Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appear that sections of the hedgerow will be removed to provide the proposed new access. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Given the proximity of development and development works to the hedgerow and trees on the boundary of the proposed development site, it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will

be protected during the construction period of works. It is recommended that a Tree and hedgerow Plan is secured through an appropriately worded condition.

Pollution Prevention Plan

I note from reviewing aerial images that Afon Banwy is approximately 20 south of the proposed development. Given the proximity of proposed development to the watercourse present and the nature of the proposed works it is considered that a Pollution Prevention Plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition.

It is recommended that reference is made to Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e.

details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 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.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: 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.

In addition I recommend inclusion of the following informative:

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.

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

NRW

Thank you for consulting Natural Resources Wales (letter dated 14/11/2017) regarding the above. NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to the use of appropriate conditions.

Summary of Conditions

Condition 1 – biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 1 – biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site if present; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

Protected Species

NRW has not considered European Protected Species(EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS. Please be aware that NRW holds records of at least two otter holts on the banks of the River Banwy in proximity of the proposal. Please be aware that NRW holds records of at least two otter holts on the banks of the River Banwy in proximity of the proposal.

Flood Risk

The application site abuts Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site abuts the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Banwy, designated as an ordinary watercourse.

Whilst we have no, in principle objection, in flood risk terms, we advise that the Planning Authority consults with the Lead Local Flood Authority, namely Powys CC drainage team, to verify that the fluvial flood risk depicted in the DAM C2 (which is derived from JFLOW in Powys model, version 3) is verified by any known historic flood extents.

Interrogation of jflow depths and lidar ground levels indicate that there is freeboard between calculated jflow extents and ground levels where the houses are proposed.

Please be aware of the limitations of the generalised JFLOW approach. These outputs cannot be used to support detailed analysis but in the absence of a hydraulic model for this reach of the River Banwy and recognising that the site is outside DAM C2, any additional interrogation is considered disproportionate, subject to the following recommendations.

Best practice is advised with regards to setting of finished floor levels, a minimum of 300mm above existing adjacent ground levels will provide added security against flooding from all sources in excess of the design events.

Please be aware of the following in respect of NRW's involvement with Surface Water advice.

The Welsh Government letter of 9 January 2014 to Chief Planning Officers confirms that the Local Planning Authority should “consult internally with colleagues fulfilling the role of Lead Local Flood Authority (LLFA) to determine whether surface water flood risk is an issue when considering allocations in local development plans or determining individual planning applications.

In line with this letter and Section 8 of TAN15, where relevant, the LLFA, Highways Authority and/or Sewerage Undertaker should be consulted on the suitability of drainage proposals to ensure that development does not increase the risk of flooding elsewhere by loss of flood storage or flood flow route, or increase the problem of surface water run off (paragraph 13.2 Planning Policy Wales).

Unless the development is situated within an Internal Drainage District (IDD), NRW will not advise developers and local authorities on;

- Surface water drainage from the site (discharging into a main river or an ordinary watercourse). For new outfall structures to main rivers a Flood Risk Activity Permit (FRAP) may be required from NRW.
- Pluvial flood risk where no watercourse is involved e.g. run off from the land, artificial drainage systems and ponding.

Foul Drainage

We note connection to the main sewer is proposed for this development in accordance with government policy.

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>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 ‘Works in, near or over watercourses’ and ‘Working at construction and demolition sites’ which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other

matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport

I refer to your consultation of 14th November 2017 regarding the above application, and advise that the Welsh Government as highway authority for the A458 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-
 - a) Full length Visibility Splays in either direction from a suitable set-back.
 - b) Gradient of the access road and the A458 trunk road carriageway
 - c) Access width and radii dimensions
 - d) Access surfacing type along with depth and width dimensions
 - e) Parking areas
 - f) If a gate is to be installed on the access

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB). The following points should be brought to the attention of the applicant:

- a) From a highway and standards perspective the access should be 10m x 6m to allow two-way movement through the access.
- b) Proposed accesses are required to be staggered from existing accesses by 50m in accordance with clause 7.64 of TD42/95 of the DMRB - if a proposed access falls within this distance a Departure from Standard will be required.

Representations

Following display of a site notice and advertisement in the local press 13 written representations have been received from the local residents. 8 letters of support, 4 objections and 1 letter expressing general comments.

The letters of objection can be summarised as follows:

- No need and demand for further development,
- Site is outside designated settlement boundary thus not complying with UDP,
- Speculative development,

While supporting letters indicate that there is demand for more housing in the area which will retain local people in the area and that the scheme should be approved.

Planning History

None

Principal Planning Constraints

Edge of Flood Zone
Open countryside

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 15 - Development and Flood Risk (2004)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)
UDP SP2 - Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 - Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP TR2 - Tourist Attractions
UDP SP14 - Development in Flood Risk Areas
Powys Residential Design Guide

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint. PPW states that new house building away from established settlements should be strictly controlled. It goes on to advise that isolated new houses in the open countryside require special justification. The Council's current planning policy, Powys Unitary Development Plan 2010 (UDP), states that outside settlement development boundaries, proposals for new residential development are only approved in exceptional circumstances, where they comply with UDP Policies HP6 (Dwellings in the Open Countryside), HP8 (Affordable Housing adjoining Settlements with Development Boundaries) or HP9 (Affordable Housing in Rural Settlements).

As the location of the site is outside the nearby settlement boundary clustered around the Primary School (approximately 150 metres away from settlement boundary as indicated on the Powys UDP Insert Map M158 and not located within designated nearby Rural Settlement of Rhandir), the proposal is hereby considered against policy HP6 (Dwellings in the Open Countryside), and Planning Policy Wales Technical Advice Note 6 (TAN6): Planning for Sustainable Rural Communities.

One of the few circumstances in which isolated residential development in the open countryside may be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of the individuals involved.

However, it is important to note that the submission clearly states that the proposal is for open market dwellings not in connection with any rural enterprise, and as such it cannot comply with any above specified policies and therefore it is considered as a departure from the UDP.

Sitting

The site is located on the northwestern side of the main cluster of dwellings which forms the village of Llanerfyl, approximately 1km away, and approximately 150 metres west from a 3rd cluster of dwellings around Ysgol Dyffryn Banw. The site measures 0.5ha and encompasses undeveloped agricultural land. Currently the land has an established hedgerow along A458 Trunk Road, cemetery to the west, and agricultural land to the south and east. Majority of the site is relatively flat in nature, with existing access onto the Trunk Road.

However, due to the appreciable intervening distance to the nearest edge of the cluster of dwellings around Ysgol Dyffryn Banw the application site is clearly located in the open countryside. The current site is not located within any designated Rural Settlement, and is therefore considered to be located wholly within the open countryside.

It is considered that the site is not within the confinements of the settlement as it is sited on its own and surrounded by open land on two sides and the cemetery and Trunk Road on the remaining sides, it clearly appears detached from other development. In this respect the site is therefore located in open countryside and would be contrary to local and national planning policies that seek to restrict development in the open countryside.

Whilst there are isolated dwellings and farmsteads in the vicinity of the application site, the current site is not considered to be located nor integrated within the designated settlement boundary and as such it is considered that the proposal does not accord with the provisions of Planning policy Wales (9th edition 2016), TAN6 or UDP Policies HP4, HP6, HP8, HP9, GP1, and ENV2.

Housing Land Supply

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

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.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore, PPW states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided. In line with PPW, residential development outside of settlement boundaries are considered in terms of the site's proximity to services and facilities likely to be required for residential use, and whether the site is suitably connected to these services and facilities.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site is approximately 1km away from centre of Llangadfan (defined as a Small Village within the UDP). Llangadfan 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.

It is considered that the site is not located in a position which would give priority to pedestrians and cycle movements. This is by virtue of the condition of the adjacent highway network being without footway provision to the village. Future occupiers would therefore be heavily reliant on the private motor vehicle as a means of accessing services and facilities.

As such, Officers find that the contribution of the proposal to the supply of housing within the area is not a compelling reason to allow the development and does not outweigh the harm of new dwellings in the countryside. The proposed development is not well related to the existing settlement, thus leading to unacceptable impact on social and environmental infrastructure. Therefore the Officers consider that the proposal would be contrary to the principles of sustainable development which seeks to create cohesive communities that form the basis of the Welsh Government's planning policy and Wellbeing of Future Generations (Wales) Act 2015.

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 it is stated that the 5 single dwellings are proposed in this instance.

Officers consider that the site could accommodate 5 dwellings without having a detrimental impact on neighbour amenity; however this would be seen as isolated development located in the open countryside.

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.

Landscaping is a reserved matter and therefore detailed proposals could be considered at a later date. It is acknowledged that 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.

Despite the location being approximately 150 metres away from the designated Settlement Boundary and the presence of other development within the immediate vicinity of the application site, there is not a clear pattern of development in this particular location. It is therefore considered that, when combined with the openness of the site and its topography, it forms part of a rural landscape with a setting of open fields interspersed with mature trees and native hedgerows with adjacent cemetery to the side.

The proposal would result in an intensification of built form in an area where such openness contributes positively to the locally distinctive settlement pattern. It would introduce 5 relatively large dwellings and associated off-street parking that, by virtue of their scale, form and siting, would result in the introduction of a prominent development that would appear unduly dominant and incongruous within this rural context. Taking into account the location and topography of the application site it is considered that landscaping measures could not reduce the visual impact of the proposal. It is also considered that the proposed development would be seen in isolation which would further harm the landscape at this location.

For these reasons, it is considered that the proposal would have a significant adverse impact on the open landscape character of the area and its intrinsic rural character. Accordingly, the proposal would fail to protect the countryside, causing significant harm to the character and appearance of the area. This would conflict with the provisions of policy ENV2 of the Powys Unitary Development Plan 2010.

Residential Amenity

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. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwellings will be located approximately 90 metres from the nearest neighbouring residential dwelling to the west with the existing cemetery between. Due to the suggested distances and positioning of the properties it is not considered that the proposed development would affect the amenities of the neighbouring dwelling.

Highways and Access

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off A458 Trunk Road.

In this instance Welsh Government as highway authority for the A458 trunk road confirms that insufficient information has been provided to determine the application. As such the Officers are unable to ascertain can a safe means of access be created at this location due to the lack of information provided by the applicant.

Therefore, Development Management considers that insufficient information has been provided in this instance which could demonstrate that the proposal could make adequate provision for highway access, parking and turning in accordance with UDP Policy GP4 and TAN 18 (2007).

Foul sewage disposal

The submission indicates that foul sewage would be disposed of to the mains sewer. This is the preferred method of foul sewage disposal as set out within UDP Policy DC10 and Welsh Office Circular 11/99.

Severn Trent and Environmental Health Officer have confirmed that they do not have objections to the proposed development. On the basis that the proposal would connect to the mains sewer, it is considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with 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 into the existing watercourse but no further details have been provided at this stage.

Ecology

The County Ecologist confirms that the site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows and trees on the boundary of the development are considered to be of moderate ecological value.

Subject to the use of conditions as suggested by the County Ecologist, it is considered that the proposal could comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

Agricultural Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 3b (Moderate quality agricultural land) and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Development and flood risk

NRW notes that the application extreme edge abuts Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

However, no part of the development site is within designated flood zone and the same has been recognised by NRW and no objections have been raised in this respect.

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 five dwellings at this location would not be 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.

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Whilst the Officers attach considerable weight to the need to increase the supply of housing, the contribution of five dwellings to the Housing Land Supply would be significantly modest. Taking everything into account, Development Management considers that the adverse impacts of granting planning permission would outweigh the benefits.

The proposed development would have an adverse impact on the character and appearance of the area, by virtue of its isolated position. The recommendation is therefore one of refusal.

Refusal Reason

1. The proposed development is located within an area of open countryside as defined by the Powys Unitary Development Plan (2010). The proposed development is considered to be unjustified development in the open countryside which would be harmful to the character and appearance of the area. The proposed development is therefore contrary to the provisions of Policies HP4, HP6, HP8, HP9, GP1, and ENV2 of Powys Unitary Development Plan (2010), Technical Advice Note 6: Planning for Sustainable Rural Communities (2010), Technical Advice Note 12: Design (2016), and Planning Policy Wales (9th Edition, November 2016).

2. Insufficient information has been submitted to assess that a safe means off access could be achieved at this location. The proposed development is therefore contrary to policies GP4 of the Powys Unitary Development Plan (2010), Technical Advice Note (TAN) 18: Transport (2004) and Planning Policy Wales (9th edition, 2016).

