

Building regulation approval will be required.

Wales & West Utilities-

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

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

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

Severn Trent Water-

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.

Powys Ecologist-

Thank you for consulting me with regards to planning application P/2017/1345 which concerns the outline application for erection of a dwelling and associated works including improvements to existing access at Fox Farm, Garthmyl, Montgomery.

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 49 record of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the site included floating water-plantain, great crested newts, otter, grass snake, badger and bat species and Environment (Wales) Act 2016 Section 7 list bird species.

The following statutory designated sites are present within 500m of the proposed development:

- Montgomery Canal SAC/SSSI

These designated sites are located along the western boundary of the site of the proposed development, given the proximity of the proposed development to the Montgomery Canal SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or its associated features – I have attached a copy of the Screening Assessment for your records.

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

Great Crested Newts

I note that there is a record of great crested newt approximately 499m south west of the proposed development site – consideration for suitability for development site to support Great Crested Newts was undertaken – Great Crested Newts being a European Protected Species.

Having reviewed information available in form of aerial images the habitat present at the site of the proposed development offers unfavourable suitable opportunities for Great Crested Newt terrestrial habitat. Given the lack of suitable habitat and lack of habitat connectivity from the pond (where great crested newts were recorded) and the proposed development site with the presence of barrier such as the Montgomery canal, A483 trunk road and residential properties between - it is considered that the proposed development site would be unlikely to support great crested newts.

Tree and Hedgerow Replacement Plan

It appears that sections of hedgerow will be required to be removed or translocated as part of the proposed development. I also note from reviewing street view images it appears that a tree was located in the middle of the proposed development site.

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 trees and hedgerow are identified an appropriate compensation strategy will be required. 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 tree – details of the location, length (hedgerow) and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the trees present in the local area.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting, 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.

Landscaping Plan

Reviewing the proposed plans new hedgerow planting is proposed for the 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 Landscaping Plan 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 measures 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 Replacement 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 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 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.

Powys Land Drainage-

No response received at the time of writing this report.

Welsh Government Transport-

I refer to your consultation of 23/11/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no. RPP/GD-JOB39-03 and RPP/GD-JOB39-03.1).

1) The applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.

2) The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following points should be brought to the attention of the applicant:

Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK .

Cadw-

No response received at the time of writing this report.

Public Response

No letters of public representation received at the time of writing this report.

Planning History

None

Principal Planning Constraints

Trunk Road A483(T)

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

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

Technical Advice Note 2 – Planning and Affordable Housing (2006)

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

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

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15- Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

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

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
SP14- Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
HP10 – Affordability Criteria
TR2- Tourist Attractions and Development Areas
DC9- Protection of Water Resources
DC10- Mains Sewage Treatment
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14- Flood Prevention Measures

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

Powys Residential Design Guide (2004)

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 is located entirely outside of a settlement development limits as defined by the Powys Unitary Development Plan (2010). 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 as a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land 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

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

The site itself is located adjoining the settlement development boundary for Garthmyl which is allocated as a small village under the Unitary Development Plan. Garthmyl has a public house and is also located just 300 metres from Refail which is allocated as a large village under the UDP and includes further additional services. It also noted that Berriew a Key settlement is also located just 1km from the application site and has a range of services including a school and shops.

Given the proximity of the application site to a further large village and key settlement and also the location along the A483 trunk road which boasts good transport links it is considered that on balance that a dwelling within this location would be considered as acceptable.

Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst 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. The proposed scheme indicates a single detached dwelling.

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 the dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

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.

It is noted that there is one residential property located directly adjoining the application site located directly to the west of the application site and a further dwelling approximately 34 metres to the east. Based on the distances involved as indicated on the indicative layout it is considered that the proposed development could safeguard the amenity of the neighbouring residential properties through careful consideration of design.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Highway Safety

Consent is sought for the erection of a single dwelling with improvements to the existing access onto the A483 (trunk road) being upgraded.

The Highway Authority has been consulted and has confirmed they have no comments to and referred to the Welsh Government to comment on the access onto the trunk road. The Welsh Government confirmed that should permission be granted then a number of conditions should be attached to any grant of consent.

Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Landscape and Visual Impact

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

It is noted that the application site is currently residential garden land for the adjoining dwelling Fox Farm. Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and 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.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The Powys Ecologist has been consulted and notes that the application site is located within 500 metres of the Montgomery Canal SAC and SSSI. She also noted that there are records of great crested newts south of the application site.

The Ecologist has reviewed information available and confirms that the habitat present at the site of the development offers unfavourable suitable opportunities for great crested newts and has no habitat connectivity from the pond where the great crested newts were recorded. It is therefore considered that the proposed development site would be unlikely to support great crested newts.

A Habitats Regulations Assessment has also been completed for the application site and it has been determined that the proposed development would not result in likely significant effect to the Montgomery Canal SAC and/or its associated features.

In light of the above and subject to the recommended appropriate condition being attached to any grant of consent it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Garthmyl is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Berriew community area the number of residents aged 3 and over in 2001 was 14.1 and in 2011 was 9.5%.

In light of the above and given the scale of the proposed development it is considered that the proposal will not have an unacceptable adverse impact upon Welsh language and culture.

Other Planning Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions

1. Details of the access, 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 access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no: RPP/GD-JOB39-03 and RPP/GD-JOB39-03.1)
5. Prior to the commencement of development a wheel-washing facilities or an appropriate alternative method shall be submitted to and approved in writing by the Local Planning Authority. The facilities as agreed shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.
6. Prior to the first installation of any external lighting an external lighting design scheme shall be submitted to and agreed in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.