

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0974	Grid Ref:	323834.99 317097.54
Community Council:	Llandrinio	Valid Date:	Officer: 25/08/2017 Eddie Hrustanovic
Applicant:	Mr G Jones, Haulfryn, Deytheur, Llansantffraid, Powys, SY22 6TF.		
Location:	Land adjoining Cilfach Glyd, Deytheur, Llansantffraid, Powys, SY22 6TF.		
Proposal:	Outline: Erection of one detached private dwelling with all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the development plan.

Site Location and Description

The site subject to this application is located within the rural settlement of Deuddwr, approximately 2.9 miles south of Llansantfraidd Ym Mechain and 3.3 miles south west of Four Crosses. The application site is bounded by agricultural land to the north and east. Located to the south is the county highway and to the west existing residential properties.

Outline planning permission is sought in respect of the erection of a single dwelling and all associated works. Whilst approval of access is sought, matters relating to appearance, landscaping, layout and scale are reserved for future consideration.

Members are advised that the application originally proposed the erection of 3 dwellings however the proposal was subsequently amended and the scale of development reduced to 1 dwelling. A period of re-consultation was undertaken on this basis.

Consultee Response

Llandrinio Community Council

Correspondence received 23rd September 2017 –

The Community Council held a site meeting at the above property on Friday 22nd September. They wish to OBJECT to the above development for the following reasons:-

1. Contrary to Policy GP1 Outside the development boundary

Councillors feel it is still important to adhere to the principles embodied in the Development Plan and that this development should not be allowed on a greenfield site. Deytheur is a very small hamlet which already has properties for sale within it.

2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations and this development should not be permitted as it is not sustainable. Development needs to be focused in the key villages of Arddleen or Llandrinio.

3. Policy GP 4 – Highway & parking requirements

The access to this development is on a busy narrow lane with limited visibility.

4. Policy DC9 – Protection of Water Resources

The proposals will have a detrimental impact on the existing springs in the neighbouring field.

I would be grateful for confirmation that this application will be dealt with at the Planning Committee as the Community Council request the right to speak.

Correspondence received 13th December 2017 –

The Community Council wish to maintain their objection to development which is outside the settlement boundary.

They wish to OBJECT to the above development for the following reasons;-

1. Contrary to Policy GP1 Outside the development boundary

Councillors feel it is still important to adhere to the principles embodied in the Development Plan and that this development should not be allowed on a greenfield site. Deytheur is a very small hamlet which already has properties for sale within it.

2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations and this development should not be permitted as it is not sustainable. Development needs to be focused in the key villages of Arddleen or Llandrinio.

3. Policy GP 4 – Highway & parking requirements

The access to this development is on a busy narrow lane with limited visibility.

4. Policy DC9 – Protection of Water Resources

The proposals will have a detrimental impact on the existing springs in the neighbouring field.

Highway Authority

Correspondence received 18th December 2017 –

The County Council as Highway Authority for the County Class III Highway, C2034

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC1 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.

HC2 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.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction 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.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 4.1 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of the dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

HC37 Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Powys Building Control

Building Regulations approval required.

Wales & West Utilities

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

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

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.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Powys Ecologist

Correspondence received 25th September 2017 –

Thank you for consulting me with regards to planning application P/2017/0974 which concerns the outline application for erection of three detached private dwellings with all associated works (some matters reserved) on Land adjoining Cilfach Glyd Deytheur Llansantffraid.

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 61 records of protected and priority species within 500m of the proposed development – no records were for the site itself. A number of the records were for great crest newts.

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

It has been noted that a number of ponds are located within the area. A pond located approximately 310m west of the proposed development site which has records of great crest newts. Another pond being approximately 750m south east of the proposed development site. Given the proposed development will involve alterations to the surrounding habitat (i.e removal of section of hedgerow) consideration has been given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts – European protected species.

Having reviewed information available in form of streetview and aerial images the habitat present at the site of the proposed development offers negligible suitable opportunities for Great Crested Newt terrestrial habitat. Given the unfavourable habitat of the proposed

development site for great crested newts, it is considered that the proposed development would not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

It appears that a 5.5m section of hedgerow is proposed to be removed for 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 principle 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 and Protection Plan. 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 the proposed development works to trees and hedgerows of the proposed development site, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

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.

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 Landscaping Plan is secured through an appropriately worded condition.

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 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 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 this instance should you be minded to approve the application I consider it would be appropriate to include an informative advising the applicants of the legal status of great crested newts and what actions to take in the unlikely event a great crested newts is encountered during the development works. Suitable wording for an informative covering these details is as follows:

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt 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 a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Correspondence received 8th December 2017 –

Thank you for re-consulting me with additional information submitted with regards to planning application P/2017/0974.

Having reviewed the additional information and revised plans it is considered that my previous response submitted 25th September 2017 remains valid.

Environmental Health

Correspondence received 11th September 2017 –

It is important to establish, even for outline applications, that the ground conditions at the site are going to be suitable for the type of foul drainage system being proposed. Therefore, please can the applicant/agent submit percolation test results in order to demonstrate that the ground conditions are suitable for a foul drainage field, and determine the area of land required to accommodate it? The tests should be carried out in accordance with the methodology in document H2 of the Building Regulations.

Correspondence received 30th November 2017 –

The plan has been amended so that the foul drainage will now utilise a package sewage treatment plant with a discharge to watercourse. Environmental Protection has no objection to this application, subject to consent/exemption from Natural Resources Wales for the effluent discharge.

Councillor Lucy Roberts – Local Member

As local member for Llandrinio Ward in which this site is located I have been contacted by a number of residents with concerns about this application.

The hamlet of Deytheur is a small hamlet of only about 15 properties which are built in a linear configuration along a narrow single track road. The majority of the hamlet lies within the LLansantffraid Ward with only the southernmost property, which is located next to the proposed site, falling within Llandrinio. There are other dispersed properties on the surrounding network of lanes.

The supporting planning statement makes much of the proximity to Llansantffraid Village which it states is 2.7 miles away and supports a small number of shops, a primary school, garage, pubs and takeaways; however the roads to the village are very narrow and there are no bus services. I am informed that the residents of Deytheur actually tend to gravitate

towards either Arddleen where they have attended primary school but which has no other facilities other than a pub, or Llandrinio /Four Crosses which between them have a primary school, shops, garages, takeaway and pubs and through which they are more likely to travel. Both Arddleen and Four Crosses are 2.5 miles from Deytheur. There are no buses on either of these routes and depending on the route used also involves some very narrow single track roads. It is most unlikely that this development will help to improve the sustainability of Llansantffraid village and Arddleen and FourCrosses/Llandrinio already have planning permission for a significant number of additional properties with more applications currently awaiting decision. The doctors surgery which serves this area is already struggling with inadequate facilities and staffing for the number of patients it has to serve. There are no services within reasonable walking distance of the site except for Penrhos Church.

Although access to the site is not too bad there is a very dangerous junction in Deytheur and any increases in traffic will increase the risk of an accident.

The site itself is a grass field which slopes gently away from the road and I am told contains springs which might become contaminated by outflow from proposed septic tanks. Referral to aerial photos will show that although on the edge of the hamlet this is very much a 'green field site', with the feel of open countryside. I attach a photo taken from the road onto the site. A development of this nature would be completely out of character with the rest of the hamlet which are all individual properties with their own access and generally screened to some extent from the road. Several are bungalows and most sit quite low in the landscape.

The third house, although described as 'affordable' would, as a three bedrooomed detached house with a garage be well beyond the reach of most first time buyers and would not therefore provide the step onto the housing ladder that might be welcomed locally.

Properties in this location are unlikely to be able to access fibre broadband in the foreseeable future, something I have been researching for neighbouring properties. This may affect the saleability of these properties if built. I am told that there are properties in the hamlet which have been on the market for some considerable time.

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report 3 public representations have been received by Development Management. The concerns expressed therein can be summarised as follows;

- Development on greenfield land;
- Impact on highway safety – increased use of substandard highway network;
- Site approached from a blind bend;
- No local need – properties within the locality remain on the market;
- Lack of services;
- Affordability of the affordable unit;
- Inadequate drainage

Planning History

No relevant planning history.

Principal Planning Constraints

No known planning constraints.

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 – Economic Development (2014)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy
SP5 – Housing Developments
SP6 – Development and Transport
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
DC3 – External Lighting
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage

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

Officer Appraisal

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

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

Principle of Development

The application site lies outside of the settlement development boundary identified in 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 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

Planning Policy Wales (PPW) confirms “sustainable development” to mean the process of improving the economic, social, environmental and cultural well-being of Wales, and that the planning system provides for a presumption in favour of sustainable development.

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.

Deuddwr is a rural settlement located approximately 2.9 miles south of Llansantfraid Ym Mechain and 3.3 miles south west of Four Crosses, both of which are identified as key settlements within the Powys UDP. Services within the respective settlements include primary education, recreation ground, Doctor’s surgery, shops and public houses. Further public services and facilities are available within Welshpool which is located approximately 9 metres to the north.

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

Loss of agricultural land

UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site is classified as ‘Moderate quality agricultural land’ (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Given the classification of the application site, it is not considered that development on the proposed site would not result in the loss of high grade agricultural land, compliant with UDP policy ENV1.

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.

Whilst matters relating to scale, appearance, layout and landscaping are reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the proposed single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Access

UDP policy GP4 confirms that permission for development will be dependent on adequate provision for highway access including visibility, turning, passing and parking. Access to the proposed site of development will be provided via a new access off the county highway (C2034) whilst turning and parking provision will be provided within the application site boundary. Following discussions with the Highway Authority, the proposal further includes the construction of an additional passing bay, the location of which will be agreed by condition in the event that planning permission is granted.

Officers acknowledge that concern regarding the standard of the existing highway network and increase traffic movements have been expressed within third party representations received. Notwithstanding the above, in light of the Highway Authority comments received, it is not considered that sufficient weight can be given to these concerns to justify a refusal on highway safety grounds.

In light of the comments received and subject to appropriate conditions being attached to an grant of consent, Officers are satisfied that an adequate access to the site can be provided, compliant with UDP policy GP4.

Drainage

UDP policy DC11 indicates that where it is not feasible for development proposals to connect to the public foul sewerage system, permission will be granted for the provision and use of private treatment plants providing that the ground conditions, in terms of drainage and porosity are suitable and will not give rise to pollution or amenity problems.

The scheme as amended, proposes the installation of a private treatment plant and discharge to a watercourse. Following re-consultation, Environmental Health has confirmed that the proposed means of sewage disposal is considered to be acceptable subject to the appropriate consent being obtained from Natural Resources Wales.

In light of the above and notwithstanding the concerns expressed by local residents, Officers consider that adequate provision has been made for the disposal of foul waste. As such, the proposal is considered to be in accordance with UDP policy DC11 as above.

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 neither Llansantffraid Ym Mechain or Deuddwr are identified as one of these areas, it is considered that the Welsh Language is a material consideration across the County.

Members are advised that the 2011 census, reported a decline in the percentage of Welsh speakers within the Llandrinio Ward. Given the scale of the proposed development, it is not

considered that the proposal will have a detrimental impact on the cultural or linguistic vitality of the area.

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Whilst the proposed development represents a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of consent subject to the conditions detailed below;

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: RPP33.1.3.01 Rev B, RPP33.1.3.02 Rev B, RPP33.1.3.03 Rev B & RPP33.1.3.04 Rev B)
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
8. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction 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.

9. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

10. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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.
11. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 4.1 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
13. Prior to the occupation of the dwelling a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
14. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
15. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.
16. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.
17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.
18. Upon formation of the visibility splays as detailed in condition 8 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.
19. No storm water drainage from the site shall be allowed to discharge onto the county highway.
20. Prior to any works being commenced on the development site, the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning

Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

21. Prior to the first installation of any external lighting, a detailed lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the lighting design scheme 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. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
6. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
7. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
8. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
9. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
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19. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)

20. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016)
21. In order to safeguard protected species in accordance with policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (2016).

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk