



**Recs:**

1. The development proposed shall be fully completed, within two months from the date of the issuing of the decision notice, to the written satisfaction of the Local Planning Authority in accordance with the details as identified on Drawings 001, 002, 003 and 004.

2. No other development shall commence until the access has been constructed so that there is a clear visibility splay 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 25 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

Wales and West Utilities

*Correspondence received 1<sup>st</sup> December 2017*

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

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

*Correspondence received 7<sup>th</sup> December 2017*

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](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

## PCC – Environmental Health

*Correspondence received 1<sup>st</sup> December 2017*

Re: Formation of vehicular access and hard standing (retrospective).

Environmental Protection has no objection to this application.

### **Representations**

A public site notice was erected at the site for a period of 21 days. No third party responses have been received by Development Management at the time of writing this report.

### **Planning History**

P/2017/0519 - Full: Formation of vehicular access (retrospective) - Withdrawn

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (9<sup>th</sup> edition, 2016)

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

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

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

#### Local planning policies

Powys Unitary Development Plan 2010

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highways and Parking Requirements

DC1 – Access by Disabled Persons

DC3 – External Lighting

DC13 – Surface Water Drainage

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

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

This application seeks consent for the formation of a vehicular access and hard standing area to the front of number 24 The Gardens, Kerry. This application is retrospective in its nature. As part of this application process the highways authority have been consulted and no objections have been received in response subject to the inclusion of suggested conditions upon any grant of consent. Officers consider that subject to the conditions a suitable and safe means of access can be achieved.

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

### 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 seeks consent for the formation of a vehicular access and hard standing area. The application includes the creation of an area of tarmacadam for the parking of vehicles, creation of other hardstanding pathway areas, a dropped curb onto the classified highway, rainwater gully and timber fencing. The proposed layout, design, appearance and materials of the proposed development are considered to complement and enhance the character and appearance of the surrounding area. The design and materials are therefore considered to be acceptable.

In light of the above, officers consider that the proposed development fundamentally complies with policy GP3 of the Powys Unitary Development Plan 2010.

### Amenity

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

The proposed layout of the vehicular parking area and other hardstanding and fencing elements are considered to be acceptable. Although the creation of the parking area will result in the loss of amenity garden area for the property the dwelling will benefit from parking facilities that it did not previously have. The dwelling will still retain areas of garden to the south of the parking area proposed and to the rear of the existing dwelling. The proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the neighbouring properties.

In light of the above, officers are satisfied that there would be no significant adverse impact upon any neighbouring properties as a result of the proposal and therefore is considered to comply with policy GP1 of the Powys Unitary Development Plan 2010.

## **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**

The proposed access and parking area is considered to be of an appropriate design and materials as to complement and enhance the character and appearance of the surrounding area. The access provides an acceptable visibility splay and therefore fundamentally complies with the relevant planning policies. The recommendation is therefore one of conditional consent.

Conditions:

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from xxxxxxxx
2. The development shall be carried out strictly in accordance with the plans stamped as received on 22nd November 2017 (drawing no's: 001, 002, 003, 004).
3. Within 28 days from the date of this consent the access shall be constructed so that there is a clear visibility splay 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 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway.
4. 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.

## **Reasons**

1. To comply with Section 63 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.