

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1259	Grid Ref:	326755.31 318118.14
Community Council:	Llandysilio	Valid Date:	Officer: 30/10/2017 Eddie Hrustanovic
Applicant:	Mr P M Pryce, Greenfields Farm, Four Crosses, Llanymynech, Powys, SY22 6RF.		
Location:	Land adj Greenfields Farm, Four Crosses, Llanymynech, Powys, SY22 6RF.		
Proposal:	Outline: Proposed residential development of 5 no dwellings, formation of an access road and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

In accordance with the Planning Protocol, Councillor Arwel Jones has requested that this planning application be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Site Location and Description

The site subject to this application is located approximately 180 metres to the south of Four Crosses, outside of the defined settlement boundary. The application site is bounded by agricultural land to the north and east. Located to the south is a linear cluster of dwellings and to the west the A483 Trunk Road.

The application is submitted in outline with all matters reserved for future consideration and proposes the erection of 5 dwellings, formation of an access road and all associated works.

Consultee Response

Llandysilio Community Council

Re: P2017 1259 – Residential development of 5 dwellings at land adj Greenfields Farm, Four Crosses.

Llandysilio Community Council have considered the above application at its meeting held on Thursday 23rd November 2017 and wish to Object to the application for reasons outlined below

1. Policy GP 1 – Development Control

The application site lies outside the existing settlement boundary for Four Crosses and whilst the new Unitary development Plan is in the course of being adopted it must still be considered as a departure from the Plan.

21 sites in Four Crosses were submitted as candidate sites as part of the preparation of the emerging UDP covering an area of 34 Hectares. The argument for the supply of housing in Powys cannot be allowed to overrule planning policies and principles.

2. Contrary to Policy GP4 – Highway & parking Requirements

There is concern that the entrance is onto a 60mph section of the A483.

3. Footpath No 28

No provision has been included in the application for the diversion of this footpath which crosses through the site.

4. Inadequate infrastructure

This is a key element in the development of Large Villages such as Four Crosses. Contribution needs to be obtained from each developer towards improving the classrooms at Llandysilio School, improving the recreational facilities and also helping the local Doctor's Surgery to obtain enough funding for a much needed extension to reduce the waiting time for appointments.

Highways Authority

Whilst the Highway Authority do not object to the principle of development, based on the indicative layout the Highway Authority would serve notice under S.219/220 of the Highways Act 1980 upon the issuing of Building Regulations.

Any detailed application should include an adoptable layout plus full access details which should include visibility splays, access surfacing, radii, width, gradient and a suitable turning head.

Welsh Government - Transport

I refer to your consultation of 7.. November 2017 regarding the above application, and advise that the Welsh Government as highway authority for the A483 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 A483 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A483 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:

The current access is constructed in accordance with "Layout 1 - Field Access" of TD41/95 of the Design Manual for Roads and Bridges (DMRB). As this application includes an increase in vehicle movements associated with the additional 5 dwellings it must be designed and constructed in accordance with "Layout 3 - Simple Layout" of TD41/95 of the DMRB.

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

Correspondence received 13th February 2018

I refer to your consultation of 7 November 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:

- 1) The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. RPP24.1.3.05 Rev A)).
- 2) The minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 215 metres in the each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
- 3) Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
- 4) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
- 5) The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
- 6) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

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:

- 1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority

before works commence.

2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

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

Building Control

Building Regulations application required.

Wales and West Utilities

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

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.

If you have any queries please feel free to get in touch.

Severn Trent

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.

Environmental Health

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. Environmental Protection would recommend the following condition for the protection of amenity during the construction phase of the project:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- 0800 – 1800 hrs Monday to Friday
- 0800 – 1300 hrs Saturday
- At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

Countryside Services

Thank you for consulting Countryside Services on the above application.

A Public Right of Way (Footpath 28) crosses the site of the proposed development. The right of way is acknowledged in the plans with its approximate alignment shown. The footpath must remain open and available for safe unimpeded public use at all times, both during development and following completion. It must not be obstructed. The proposed new gate in a new boundary will require consent from the County Council.

Affordable Housing

Thank you for your correspondence regarding this application.

We seek provision of affordable housing on residential development sites in accordance with the Affordable Housing Topic Paper September 2016, and the following guidelines to be adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.

- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9.

CADW

Thank you for your letter inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park

or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application area is located 315m west of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. The significant views from Offa's Dyke are to the west and the proposed development will block a currently pen section of lan in the view from this section to the Dyke. Consequently, the proposed development will cause damage to the setting of the scheduled monument and this will be a material consideration in the determination of this planning application (see Planning Policy Wales Section 6.5.5):

However no information on this issue has been submitted with the application and therefore we are currently not in a position to provide advice. We advise that your authority requests an assessment of the impact of the proposed development on the setting of the scheduled monument to prepared in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Heritage Assets in Wales (2017). Once this information has been provided we should be re-consulted accordingly.

Clwyd Powys Archaeological Trust

Our records show that we had no interest in this one and replied to Eddie on 7/11/17 to say there are no predicted archaeological impacts and we have no objection.

The plot is outside the main prehistoric settlement area in Four Crosses and lies on what was old common land (the area north of the road still is common land).

We noted that Cadw subsequently asked for a setting impact assessment because Offa's Dyke lies 350 metres to the east.

Powys Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 0.5 hectares and includes 5 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 50 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?	No	No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service. The proposals involve the construction of 5 new dwellings on the southern outskirts of a residential area. The proposed site is located along the western edge of a large semi-improved agricultural field which shares a boundary with the highway to the west. All field boundaries are comprised of hedgerow. The eastern boundary which is separated from the proposed development also appears to contain a row of mature trees.

		It appears from the plans that the only vegetation removal would occur along a section of the western hedgerow which is intersected by the footprint of the northernmost proposed property, though extent of clearance has not been confirmed in any of the accompanying documents.
Protected Species & Habitats ¹	European Species	<p>Within 1km of the site there are historic records of otters and various bat species.</p> <p>There don't appear to be any potential bat roosting sites which would be lost to the proposals, and the field of the proposal appears to be of limited value for foraging bats. However, the hedgerow along the western boundary of the site, part of which may be removed, offers suitable foraging and commuting habitat for a range of bat species. It is recommended that vegetation clearance is minimized and any hedgerow to be lost should be translocated elsewhere on site to prevent the permanent loss of this linear feature and to assist habitat continuity. Suitable mitigation should be shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Should new lighting be required I recommend that a sensitive lighting plan is implemented in order to minimise the impact of new lighting on bats and any other nocturnal wildlife that may use the surrounding vegetation.</p> <p>The proposed site does not present suitable foraging or resting habitat for otters.</p>
	UK Species	<p>In addition to the species identified above, there are historic records of badger and a variety of nesting birds within 1km of the site.</p> <p>The proposals may involve the removal of a section of the hedgerow along the western field boundary. I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>

		<p>The hedgerow that borders the site to the west could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance. Suitable mitigation should also be provided to offset any losses of reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>No direct impacts upon the local badger population are expected as a result of the proposals due to the fact that the existing field is so open and well managed at present</p>
	Section 7 Species & Habitats	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>It would seem likely that the proposals require the removal of a section of hedgerow along the western field boundary. Hedgerows are a Section 7 Priority Habitat. It is recommended that the existing hedgerow is translocated elsewhere on site to prevent the permanent loss of this linear feature and to assist habitat continuity. Suitable mitigation should be shown on a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works. Also a tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>In addition to the species identified above, within 1km of the site there are historic records of hedgehog, which is a Section 7 priority species. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider this species and other small animals.</p> <p>A new hedgerow is proposed around the perimeter of the proposed development which is welcomed. As a biodiversity enhancement to the site I recommend that native, locally-occurring</p>

		plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development. Also further enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.
	LBAP Species & Habitats <input checked="" type="checkbox"/>	Please see comments above.
Protected Sites	International Sites (within 1km) <input checked="" type="checkbox"/>	Montgomery Canal SAC is located approximately 370m to the west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SAC are expected.
	National Sites (within 1km) <input checked="" type="checkbox"/>	Montgomery Canal SSSI is located approximately 370m to the west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SSSI are expected.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area
Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.
Recommendations		<p>I recommend that vegetation removal for the proposed development is kept to a minimum and where required vegetation clearance works should be timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are</p>

	<p>employed to prevent potential harm to reptiles and small mammals during any clearance work along the western boundary of the site. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>I recommend that if practicable any hedgerow is translocated to provide a more immediate habitat replacement, including that set back to facilitate access to the proposed site.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development. Also further enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.</p>
Further information required prior to determination of application	I am of the opinion that sufficient information has been included to determine the application from an ecological perspective, and in consideration of the information, I recommend conditions as detailed below.
Recommended Conditions	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting, to include position of the translocated hedgerow, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>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 the Environment (Wales) Act</p>

	<p>2016.</p> <p><i>Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan to include details of the bird nest and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p>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 the Environment (Wales) Act 2016.</p> <p><i>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.</i></p>
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	<p>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 the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended)</p> <p>All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p>
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	<p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>

County Councillor Arwel Jones

Correspondence received 20th November 2017 -

I refer to the above application and would request that the application is called to Committee given the fact that it is outside the Development Plan.

Myself and the Community Council will request to speak at the meeting.

Could you please confirm that the application will be determined by committee.

Correspondence received 11^h December 2017 -

Many thanks for your recent email.

The Community Council advised the site was outside the development boundary.

However I am of the opinion that the development is only for 5 properties and that the access onto the highway is satisfactory and the development is an infill between the Village of Four Crosses and a further 8 properties along the A483.

The application will be determined by the Committee and my views will be expressed at that meeting.

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, no public representations have been received by Development Management.

Planning History

P/2012/0432 – Full: Additional use of existing agricultural access to provide residential access and associated construction of private drive on land at Greenfields Farm, Llanymynech. Approved.

PPAE/2017/0049 – Pre-application enquiry.

Principal Planning Constraints

A Public Right of Way passes through the application site.

Scheduled Ancient Monument located approximately 315 metres to the east of the application site.

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 12 – Design (2016)

Technical Advice Note 16 – Sport, Recreation and Open Space (2009)

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 Planning Policy

Powys Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

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

DC9- Protection of Water Resources

DC10- Mains Sewage Treatment

DC11 – Non-Mains Sewage Treatment

DC13 – Surface Water Drainage

RL6 - Rights of Way and Access to the Countryside

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

For the purpose of the Powys UDP, the proposed site of development is located within the open countryside. 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 as above and therefore should be considered as a departure.

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.

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 within 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 application site is located approximately 180 metres to the south of Four Crosses. Within the settlement boundary, it is understood that there are a range of services and facilities including a church, primary school, community centre, shop, garage, doctors surgery and sports facilities. The site is also located within immediate proximity of the A483 trunk road which provides access to nearby towns such as Welshpool and Newtown.

Notwithstanding the sites’ access to services, it is necessary to consider the existing settlement capacity and the capability of the existing services accommodating additional residential development. In this regard, reference is made to the LDP strategy paper and updates from the LDP Examination pages which indicates that Four Crosses’ dwelling contribution over the plan period (2011-2026) was 46 units. The updated position as of September 2017 suggests a provision of 91 dwellings within the settlement, greatly exceeding the projected growth. In light of the above and notwithstanding access to existing services, Officers consider that the proposed residential development would put increased pressure on existing services and facilities potentially compromising the sustainability of the proposed development.

Character and Appearance

UDP policy HP5 indicates that proposals for residential development will only be permitted where the proposed development is of a scale, form, design and general character to reflect the overall character and appearance of the settlement and surrounding area. Further guidance with policy ENV2 highlights that proposals should take account of the high quality of the Powys landscape and be appropriate and sensitive to the character and appearance of the sites surroundings.

Four Crosses is a large settlement with development predominantly structured around the existing highway network. Properties extends along the highway network leading out of the village in a linear formation however are physically linked to the main settlement. Whilst there are a cluster of dwellings located to the south of the application site, the site is enclosed by agricultural land (north, east and south) and is detached from the main settlement located to the north east. Whilst noting the proximity to neighbouring properties, Officers consider that the introduction of the proposed dwellings would be odds with the existing character and appearance of the settlement and surrounding area contrary to UDP policies ENV2 and HP5.

Highway Safety

Policy GP4 of the Powys UDP dictates that planning permission will be dependent on adequate provision for highway access including visibility, turning and parking. Whilst indicative at this stage, access to the proposed site of development will be provided off the A483 trunk road with turning and parking provision provided within the application site boundary.

Following initial consultation, Transport Wales issued a direction stipulating that permission should not be granted until such time that adequate access details have been provided. In response to additional information being submitted, a revised response from Welsh Government has been received which confirms that suitable access can be achieved subject to appropriate conditions being attached to any planning consent. Subject to the imposition of these conditions, Development Management is satisfied that the proposed development would be compliant with UDP policy GP4.

Public Right of Way

Policy RL6 seeks to safeguard the existing public rights of way network and the amenity of its users. A public footpath crosses the application site, passing from east to west. The indicative site plan indicates that the existing footpath will be maintained and accommodated within the development. Whilst noting the comments offered by the Ramblers Association, Officers are satisfied that an appropriate solution can be secured to safeguard the existing right of way and this will be reflected in any future reserved matters application.

Cultural Heritage

The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application. Where nationally important archaeological remains and their setting are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this

means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

The application site is located within approximately 315 metres west of Scheduled Ancient Monument (SAM) – MG033 Offa’s Dyke: Section extending 300 metres SE to Bele Brook, Llandrinio. Within their consultation response, Cadw indicates that significant views from the identified section of Offa’s Dyke are to the west (direction of the application site) and currently look out onto an open section of land. The response further indicates that the proposed development will cause damage to the setting of the monument however in order to inform a thorough assessment, Cadw has requested that an assessment of potential impact on the setting be submitted for consideration.

Members are advised that a Heritage Assessment has since been submitted which assesses the potential impact of the development on the setting of Offa’s Dyke. Unfortunately, at the time of writing this report, a revised response from Cadw remains outstanding however Officers hope to provide further comments within the Committee report update.

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. The following table details the percentage change in relation to Welsh speakers within the Llandysilio ward for the period 2001-2011.

Community: Llandysilio

able to speak Welsh

Age	2011		2001	
	%	%	Number	Number
3+:	11.7	12.9	127	120
3-15:	35.2	37	62	51
16-64:	7.8	10.2	53	63
65+:	5.2	3.4	12	6

Number of residents aged 3 and over:

Census	Number
2011	1088
2001	928

It is noted that the 2011 census for Llandysilio reported a decline in the percentage of Welsh speakers. On the basis of the above, Officers do not consider that the development of up to five dwellings on land to the south of Four Crosses will have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

RECOMMENDATION

Whilst Planning Policy Wales encourages Local Planning Authorities to give considerable weight to the 5 year housing supply, policy guidance emphasises that this should only be

applied when the development proposed would otherwise be compliant with the adopted development plan.

Officers consider that the site of the proposed development is divorced from the existing settlement of Four Crosses and therefore compromises the character and appearance of the surrounding area contrary to policies ENV2 and HP5 of the Powys UDP. As such, the recommendation is one of refusal.

Reason for Refusal

1. The proposed development will have an unacceptable adverse impact on the character and appearance of the area contrary to policies GP1, ENV2 and HP5 of the Powys Unitary Development Plan (2010).

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