

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1265 **Grid Ref:** 304821.63 302872.58

Community Council: Dwyriw **Valid Date:** 30/10/2017 **Officer:** Sara Robinson

Applicant: Ms Judith Townsley, Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE

Location: Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE

Proposal: OUTLINE: Residential development of one dwelling with associated works

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The application site is located outside of the development boundary and in the open countryside as defined by the Powys Unitary Development Plan (2010).

Site Location and Description

The application site lies within the Community Council of Dwyriw. The site is located adjacent to the settlement boundary of Cefn Coch and in the open countryside as defined by the Powys Unitary Development Plan (2010). The site is accessed by the county highway C2013. The nearest neighbouring residential property is adjoining the site to the east. The site has neighbouring dwellings to the east, south east and south west and to the north and west are agricultural fields.

The application is for the residential development of one dwelling with associated works. Outline permission has been sought for the proposed development.

Consultee Response

Dwyriw Community Council

The *Dwyriw Community* Council has considered the above planning application and its decision is recorded below

No Comment/No Objection

Please Tick

Objection Please Tick

If an objection is lodged the Council is asked to state its reasons based on material planning grounds. (See section in Planning Guide on material planning considerations.)

1. The Council is concerned about the increase in vehicles that would be using a part of the highway where the visibility is difficult at the junction.
2. There is concern that this number of dwellings might affect local wells. A neighbouring planning application was refused in the past due to concern about the water issues.
3. The Council would also like reassurance that a septic tank would be sufficient
- 4.

Support Please Tick

The Council is asked to state its reasons based on material planning grounds. (See section in Planning Guide on material planning considerations.)

- 1.
 - 2.
 - 3.
 - 4.
- SignedSarah Yeomans..... Date ...1 December 2017.....

Clerk to the Community Council

PCC - Highways

Consultation received 24/11/2017

The County Council as Highway Authority for the County Class III Highway, C2012

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application should be deferred.

Reasons for Deferral

This outline application includes access to be determined now and the applicant's agent suggests that the conditions applied to P/2017/0240 are replicated on the current application.

Despite access being included in this application, only the proposed visibility splay is shown on plan, no other details pertaining to the access have been submitted.

The previous application at the proposed development site was for a change of use with no additional movements. The current application being for three dwellings requires the access to be upgraded to reflect the additional movements. As such, revised plans should be submitted showing the proposed access improvements, relocation of the highway signage and street lighting. Furthermore, the access width should be 5.5 metres for a minimum of 10 metres, with the gradient not exceeding 1 in 15 metres for the first 10 metres.

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

Consultation received 21/12/2017

Thank you for the attached plan which addresses our concerns with the access, I do however, have a few other issues with this development as below;

- There is no proposed footway
- There is no safe means of accessing the cabinet and de-fib station by pedestrians
- The Highway Authority will not allow slabs/chippings to be placed in the highway verge (plot 1), this needs to be removed from the drawing
- The proposed location for the road signage and street light is within private ownership, therefore the applicant would need to enter into a S.38 agreement (Highways Act 1980) so that this area can be adopted by the Highway Authority – this is a lengthy process and fees apply
- The reference to the access being approved under a previous application is misleading

Consultation received 17/01/2018

The County Council as Highway Authority for the County Class III Highway, C2013

Wish the following recommendations/Observations be applied
Recommendations/Observations

Does not wish to comment on the application

1. Notwithstanding the approved plans, full details in relation to the relocation/removal of the existing highway signage and lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works on site.

2. Prior to any works commencing on the development site, the alterations to the street lighting and highway signage, referred to above, shall be fully completed to the written

satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 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.

11. Prior to the occupation of the development 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.

12. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

13. 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,

14. 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 any septic tank or its soakaway installation.

15. 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.

16. 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.

17. Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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.

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

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.

Wales & West

Wales & West Utilities acknowledge receipt of your notice received on 08.11.2017, advising us of the proposals for:

Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE

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

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.

PCC - Environmental Health

Correspondence received 15/11/2017

I object the application at the current time as there are no details or information relating to the specifications of the foul drainage system.

I require the percolation test results, plant detail, capacity etc. to determine its suitability.

Correspondence received 06/02/2018

I've been to the site today and I have no objection to the application provided that they comply with the requirements of the Building Regulations in relation to foul drainage being sufficient distances from dwellings, watercourses and Private water Supplies.

Correspondence received 07/02/2018

I've never had complaints noise or any other nuisance relating to the pub or farm and there are other houses in closer proximity.

Unless one of the two businesses change their current method of operation significantly, I wouldn't consider it a planning consideration from an Environmental Health perspective.

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?		<p>An ecological appraisal has not been submitted with the application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons Biodiversity Information Service.</p> <p>The proposal is for 3 dwellings and a septic tank located in a small field adjacent to the property Cefn Bryn. The proposed parking and access shown on the Block plan: 6264/17/03 have received prior planning permission under P/2017/0240.</p> <p>A small section of hedgerow would need to be realigned in-front of Property 1 to create a visibility splay.</p>
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	<p>There are historic records of an unknown and a pipistrelle bat within 400m. No potential bat roosts would appear to be lost as a result of the proposals. However, the hedgerows are likely to provide linear commuting and foraging habitat for a range of bat species. I recommend that the retained hedge and tree boundaries are protected during construction and prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 is agreed by the Local Planning Authority.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.</p> <p>GIS plans indicate a pond within 170m although this is not evident from aerial imagery. There are no great crested newt records within the 1km search area and as it is recommended that the northern boundaries are to be retained and protected during development no further mitigation for great crested newt is recommended.</p>

¹ Species records within 1km (minimum).

	UK Species <input checked="" type="checkbox"/>	<p>There are historic records of nesting bird species within 1km of the site and the boundary hedgerow to be realigned for visibility offers suitable habitat for a range of nesting bird species.</p> <p>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>Enhancement of the site by installation of bat boxes (e.g. House Sparrow nest boxes) as part of the proposals would also be welcomed.</p>
	Section 7 Species & Habitats <input checked="" type="checkbox"/>	<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>Hedgerows are Section 7 Priority Habitats. Given the proximity of development works to boundary hedgerows, prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted and approved by the Local Planning Authority.</p> <p>I recommend that the detail of the proposed landscaping is presented on a landscaping plan and should consist of native, locally-occurring species.</p>
	LBAP Species & Habitats <input type="checkbox"/>	See previous observations.
Protected Sites	International Sites (within 1km) <input type="checkbox"/>	None within the search area.
	National Sites (within 1km) <input type="checkbox"/>	None within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area.
Invasive Non-Native Species	Unknown	From aerial imagery, it is unlikely there are invasive species at this location.

<p>Recommendations</p>	<p>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>I recommend that the retained hedge and tree boundaries are protected during construction and prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 is agreed by the Local Planning Authority.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.</p> <p>A Landscape Planting plan including a Species List shall be submitted and approved by the Local Planning Authority prior to commencement.</p> <p>Enhancement of the site by installation of bat and bird boxes (e.g. House Sparrow nest boxes) as part of the proposals would also be welcomed.</p>
<p>Further information required prior to determination of application</p>	<p>N/A</p>
<p>Recommended Conditions</p>	<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 Landscape Planting plan including a Species List 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><u>Reason:</u> 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>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> 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</p>

Conservation and Planning and the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and 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.

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 the Environment (Wales) Act 2016.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being

	built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.
Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species

Representations

Following the display of a site notice on the 10/11/2017 for the period of 21 days one public representation of objection was received. Following the amendments to the proposal a subsequent site notice was displayed on the 26/01/2018 for the period of 21 days, no public representations have been received.

The objections raised are as follows;

- 1) poor access / highways
- 2) limited amenities within the area
- 3) the impact on existing business' in the village.

Planning History

P/2017/0240 - Full: Change of use of part of dwelling into a self contained holiday unit together with alterations to vehicular access – Conditional Consent

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 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Officer Circular 10/99: Drainage

Local planning policies

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
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity and Natural Habitats
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Developments
HP6 - Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP10 - Affordability Criteria
DC1 - Access by Disabled Persons
DC11 - Non-mains Sewage Treatment
DC13 - Surface Water Drainage
RL4 - Outdoor Activity and Pony Trekking Centres
RL6 - Rights of Way and Access to the Countryside

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

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

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010) and is within the rural settlement of Penrhos. 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

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing 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

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Cefn Coch is defined in the UDP as a Small Village. Cefn Coch is served by a limited range of community services such as a public house and a bus service to Newtown and Welshpool.

Llanfair Caereinion is an Area Centre located approximately 5.8Km to the north east of Cefn Coch. Llanfair Caereinion offers a large variety of services facilities including a Primary School, High School, Community Centre, Public Houses, Dentist and Place of Worship. Llanfair Caereinion is also easily accessible by public transport with regular bus services to Oswestry, Welshpool and Newtown as well as a steam railway service to Welshpool.

Therefore, on balance Officers consider that an additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in outline with all matters reserved to be considered during the submission of the reserved matters other than access.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the dwelling proposed is to be a detached dwelling measuring;

- Length 8 -13 metres
- Width 6 - 9 metres
- Height 5.5 - 7.5 metres

The dwelling is not proposed as an affordable dwelling, however due to the nature of the proposed dwellings and their floor area being under 130m² the properties are envisaged to be naturally affordable.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a 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.

Appearance, Layout and Style

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

The proposed site is located immediately adjacent to the development boundary of Cefn Coch. The site is bound by the development boundary to the south east, south and west. The site is located adjacent to the dwelling known as. It is considered that the current proposal site is integrated well adjacent to the development boundary.

The development will be seen immediately adjoining the property of Cefnybryn and opposite Cefn Coch Inn which is considered to be the centre of Cefn Coch and is considered acceptable in visual impact terms.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the indicative layout provided, it is considered that the application site is capable of accommodating a dwelling without

unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the dwelling will be located adjacent to the dwelling known as Cefnybryn located adjacent to the proposed site. The indicative layout shows that the dwelling would be slightly offset and located approximately 14 metres to the west of Cefnybryn. It is considered that there is sufficient distance between the existing property and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of this neighbouring property.

This layout is for indicative purposes only and the layout of the site could be altered at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

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

Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and right of way the proposal would result in a visual change in comparison to the current over grown parcel of land, taking into account the location adjacent to existing dwellings within the development boundary, landscaping measures would reduce the visual impact and that the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

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

The Highway Authority were initially consulted on this application and raised objections to the development. Following the submission of additional information and the reduction of the scheme to a single dwelling the Highways department raise no objection to the proposal subject to conditions being attached to any grant of consent.

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

Ecology and Biodiversity

As part of this application process our County Ecologist had been consulted and has provided comments on the application.

The Ecologist has raised no concerns to the proposed development. The Ecologist has requested that a number of conditions are attached to any grant of planning permission. A condition was recommended for a landscaping plan to be submitted, however landscaping is for consideration at reserved matters and therefore is not required to be included.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

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. Cefn Coch is identified as one of these areas and it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Dwyriw Ward reported that 27% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 33% of the population of Dwyriw ward spoke Welsh however is a small reduction from the 1991 census where 30% spoke Welsh. The data illustrates that Dwyriw has suffered from a decline of Welsh speakers in the village. With every rural village, it suffers from an ageing population. However the reduction is only 3% in the last 20 years, which is comparatively low.

In relation to economic development, it is considered that the potential construction of a dwelling would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In conclusion, the scale and type of development is considered not to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore fully complies with National and Local Policies.

Foul and Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

Policy DC10 of the Powys Unitary Development plan seeks to ensure that development proposals are only permitted where they can be adequately served by the public foul sewerage system.

Environmental Health were consulted and stated that provided the drainage system complies with the requirements of building regulations in relation to foul drainage being sufficient distances from dwellings, watercourses and Private water Supplies they have no objection to the the application.

In light of this, it is considered that surface water drainage can be appropriately managed.

Public Representations

Public representations of objection have been raised with regards to the proposal and are as follows;

1. poor access / highways

The objector has raised concerns regarding the access, the access means that cars will be pulling out directly onto the C2013 which runs through the village of Cefn Coch. Although classified as a minor road, this road serves considerable volume of traffic. It is the main access to the industrial site H.V Bowens, Tan-y-Foel Quarry and as a result a large number of heavy goods and articulated lorries pass through the village throughout the day. The access for the proposed properties at Cefn-y-Bryn will be subject to poor visibility towards the East due to the location of the existing Cefn-y-Bryn which is located directly on the roadway. Vehicles pulling out onto the carriage way will be moving directly on to the juncture where the southern C2015 road joins on to the East-West C2013 road. An additional junction at this location is a safety concern. Vehicles frequently park between the proposed access and Frongoch Hall Lane to the west of the proposed site. When such parked vehicles are present the visibility will be further reduced.

The highways department have been consulted and following the submission of amended highways details consider the proposed access to be sufficient for the development of one dwelling as referred to in the highways section above.

2. limited amenities within the area

There are no amenities within Cefn Coch. The nearest amenities (school, shop, doctors) are located within the key settlement of Llanfair Caereinion which is 5 miles to the North East of Cefn Coch. The recent classification changes proposed within the draft of the Local

Development Plan will see Cefn Coch demoted to a rural settlement and as such the provision of amenities within this area will continue to be frequented at Llanfair Caereinion.

Consideration has been given to the sustainability of the area in the sustainability section above. It is considered that the proposal for a single dwelling would have a detrimental impact.

3. the impact on existing business' in the village.

The objector has raised concerns in relation to the impact upon local businesses. Cefn Coch is very much a working village and the proposed site is very close to Cefn Coch Inn and Cefn Coch Farm. The Inn which hosts events and functions throughout the year can be described as "lively" and has a flourishing trade in meals particularly in the summer months. Residents of the new proposed properties might expect that their quiet enjoyment of their properties might be impacted by the sound and traffic generated by the Inn. It is foreseeable that the inhabitants of these properties might request restrictions to be imposed upon the business, potentially harming its viability and having a detrimental effect upon the economy of the village.

Similar arguments maybe made with regard to Cefn Coch Farm. This busy livestock farm requires the movement of livestock, vehicles and agricultural machinery sometimes at anti-social hours and the proposed houses will be built directly opposite Cefn Coch Farm entrance. As with the Inn this activity could impact upon the new houses and the social coherence of the village might be compromised.

I feel strongly that existing business at the heart of this village should not face the risk of restrictions in their methods of operation.

The proposal is considered in line with policy GP1 which states;

3. The amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise, light, dust, odour, hours of operation or any other planning matter;

It is noted that the site lies opposite Cefn Coch Inn and Cefn Coch Farm. The concerns have been raised to Environmental health; however the officer considered that there have been no previous complaints with regards to noise or any other nuisance relating to the pub or farm and there are other houses in closer proximity. The Environmental Health officer concluded that unless one of the two businesses change their current method of operation significantly, I wouldn't consider it a planning consideration from an Environmental Health perspective.

It is therefore considered that the proposed development of a single dwelling would impact the current businesses of Cefn Coch.

RECOMMENDATION

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant 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 conditional consent

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxx in so far as the extent of the application site is drawn and the access point onto the C2013 highway (drawing no: 6264/17/02 Rev A).
5. Notwithstanding the approved plans, full details in relation to the relocation/removal of the existing highway signage and lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works on site.
6. Prior to any works commencing on the development site, the alterations to the street lighting and highway signage, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. 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.
8. 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.
9. 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.
10. Before any other development commences 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.

11. Before any other development commences 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.
12. 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.
13. Before any other development commences 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.
14. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5.5 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.
15. Prior to the occupation of the development 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.
16. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
17. 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,
18. 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 any septic tank or its soakaway installation.
19. 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.
20. 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.

21. Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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.
22. No storm water drainage from the site shall be allowed to discharge onto the county highway.
23. No external lighting shall be used in the development unless a lighting design scheme to take any impacts on nocturnal wildlife into consideration has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.
24. 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.

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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4
23. 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.
24. 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.

Informative Notes

Building Regulations

Building Regulation application may be required.

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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