



The Highway Authority notes that the existing access between the proposed development site and Plas Coch is yet to be stopped up as per M2005/0178, condition 4.

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.

### Building Control

Building Regulations approval required.

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

### Environmental Health

*Correspondence received 10<sup>th</sup> November 2017-*

I note that the percolation test was done in 2012. Were they done as part of another application?

I will require the test holes to be reopened for inspection.

*Correspondence received 20<sup>th</sup> February 2018 –*

I've been to the site last week and inspected the holes. I have no objection to the application.

### **Representations**

The proposed development was 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**

- No planning history on application site.

- P/2017/1265 - Outline: Residential development of one dwelling with associated works. Pending determination. (NEIGHBOURING SITE).
- P/2009/1135 - Reserved matters application for access, appearance, landscaping, layout and scale in connection with planning application M2006 0541 relating to erection of a dwelling & formation of access. Approved. (ADJOINING SITE).

## **Principal Planning Constraints**

No known planning constraints.

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (9th Edition, 2016)

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

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

Welsh Office Circular 13/97 - Planning Obligations

### Local Policies

Powys Unitary Development Plan (2010)

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

## DC13 – Surface Water Drainage

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

### **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 the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

#### Housing Land Supply

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

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be

taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.*

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

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

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

Cefn Coch is defined within the Powys UDP as a small village. Existing services within the village include a public house, post box and public telephone. Cefn Coch is located within approximately 10 miles of Newtown and approximately 4.5 miles from Llanfair Caereinion, both of which are identified as Area Centres within the plan. Services within the respective settlements include primary education, recreation ground, Doctor’s surgery, shops and public houses.

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

### Scale, Design and Appearance

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

Whilst matters relating to scale, appearance, layout and landscaping are reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the proposed single dwelling without unacceptably adversely

affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Highway Safety and Access

UDP policy GP4 confirms that permission for development will be dependent on adequate provision for highway access including visibility, turning, passing and parking. Access to the proposed site of development will be provided via a new access off the county highway whilst turning and parking provision will be provided within the application site boundary.

Whilst Officers acknowledge that access details are reserved for future consideration, given the Highway Authority response received, it is considered that access to the application site can be achieved, compliant with policy GP4 of the Powys UDP.

### Drainage

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

The scheme proposes the installation of a private treatment plant and discharge to a soakaway. Following inspection of the porosity test holes, the Environmental Health Officer has confirmed that the Authority have no objection to the proposed means of foul drainage. The proposal is considered to be in accordance with UDP policy DC11 as above.

### Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area.

Members are advised that the 2011 census, reported a decline in the percentage of Welsh speakers within the Dywriw Ward. Given the scale of the proposed development and notwithstanding the identified importance of Welsh language within the host ward, it is not considered that the proposal will have a detrimental impact on the cultural or linguistic vitality of the area.

## **RECOMMENDATION**

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

Conditions:

1. Details of the 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 strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: 1808.30A)

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.

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