

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1389	Grid Ref:	315794.7 267391.68
Community Council:	Llanfihang	Valid Date:	Officer: 24/11/2017 Holly-ann Hobbs
Applicant:	Ms P Evans, Bluebell House, Tanhouse, Dolau, Llandrindod Wells, Powys.		
Location:	Land adjoining The Manse, Tanhouse, Dolau, Llandrindod Wells, Powys, LD1 5TW.		
Proposal:	Outline application (with all matters reserved) for erection of 3 detached dwellings, formation of vehicular access and installation of septic tank and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the development plan.

Site Location and Description

The site subject to this application adjoins the settlement development boundary of Tanhouse as defined by the Powys UDP. The site is bound by agricultural land to the north and west. Located to the south is the public highway and to the east residential properties.

Consent is sought in outline with all matters reserved for future consideration and proposes the erection of 3 dwellings, formation of a vehicular access, installation of a septic tank and all associated works.

Consultee Response

Llanfihangel Rhydithon Community Council

The Llanfihangel Rhydithon Community Council considered this application yesterday evening.

Councillors decided **not** to support the Application for the following reasons:

- The land is outside both the old, and the proposed new Development Plan, both of which had been the subjects of detailed consideration as regards Tanhouse in the past;
- The Councillors did not think that the land could be regarded as an Infill site, which is one of the criteria for allowing possible development outside the Development Area;

- There are well-recorded drainage issues regarding the land on which the three dwellings would be built: the proposed development would greatly exacerbate the situation;
- Planning permission was granted in 2012 for ten dwellings and associated sewage works on the opposite side of the road to the proposed development under consideration. But no building or works, other than a road entry splay, have been undertaken. The 2012-approved development would provide some affordable housing and open market housing. The proposed sewage works would benefit not only the new dwellings but also those in Maes View, where cesspits have to be emptied frequently, would be connected to it. Therefore there would be more gain if the 2012 development went ahead rather than the proposed development considered this evening.

Highway Authority

The County Council as Highway Authority for the County Class III Highway, C1051

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 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.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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.

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

the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC21 Prior to the occupation of any 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 10 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,

HC22 Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

HC34 Prior to the commencement of the development engineering drawings of the road widening and footway crossing provision, to include detailed cross sections, shall be submitted to and approved in writing by the Local Planning Authority, with regard to all highway construction works adjacent to the county class III highway on the southern boundary of the site. Development to be carried out in accordance with the approved details of construction.

Building Control

A Building Regulations application will be required, if any further information is required please do not hesitate to contact me.

Environmental Health

Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

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 Sunday and Bank Holidays

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

Secondly I would require further information regards the intended foul drainage system for the proposed development.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

Correspondence received 9th February 2018 –

I have today undertaken a visit to the area for the above proposed planning application and confirm I am satisfied with the percolation test holes. As such there are no objections from Environmental Health.

County Ecologist

Correspondence received 19th December 2017 –

Thank you for consulting me with regards to planning application P/2017/1389 which concerns an outline application for (with all matters reserved) for erection of 3 detached dwellings, formation of vehicular access and installation of septic tank and all associated works on Land adjoining The Manse Tanhouse, Dolau, Llandrindod Wells.

I have reviewed the proposed plans and aerial images of the proposed site for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 30 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are no statutory designated sites present within 500m of the proposed development.

There is one non-statutory designated sites present within 500m of the proposed development;

· Nantwylan – Roadside Verge Nature Reserve

Having reviewed the aerial and streetview images the grassland appears to have potential for botanical interest.

No ecology information has been submitted as part of the application.

Habitat Phase 1 and Protected Species Survey

An extended Phase 1 habitat survey will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Therefore it is considered that there is insufficient information with regard to potential impacts to protected or priority species and habitats to determine this application. Further information is required to be submitted prior to determination of the application.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Tree and Hedgerow Protection Plan

Hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development including creation of new access or any associated works then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

This information could be secured through a planning condition, however the submission of a Tree and Hedgerow Replacement or Protection Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Landscaping Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Correspondence received 1st March 2018 –

Thank you for consulting me with additional information submitted regarding planning application P/2017/1389.

The additional information submitted has been provided in response to a request for further survey to enable the LPA to assess the potential impacts of the proposed development to biodiversity.

A Preliminary ecological appraisal has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value. I have reviewed the Report produced by KG Ecology dated January 2018, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 26th January 2018 to carry out an extended phase 1 habitat survey.

The Phase I habitat found that the proposed development site were semi-improved grassland, hedgerow and scrub and tall ruderal. The site is currently being managed by sheep grazing – with the species identified the semi-improved grassland is considered to be poor and of low ecological value.

No evidence of protected species were identified by the survey within the boundary site.

The hedgerow boundary that will be impacted by the proposed development was identified as being species poor and considered to be of moderate ecological value. It is proposed to translocate 85m and remove a section of the hedgerow to accommodate the new access. The hedgerow is considered to provide nesting potential for birds. Therefore it is recommended that removal of the hedgerow and translocation is to be carried out outside the bird breeding season. The bird breeding season being March-August (inclusive).

The tussock grassland on the roadside verge and within the proposed development site offers suitable habitat for common reptile and amphibian species. In considering the size of the area suitable to support reptiles – the likelihood of reptiles to be present it considered to be low. Therefore a reptile survey was not considered necessary but the adherence to a Reasonable Avoidance Method Statement (RAMS) for clearance of habitat would be appropriate.

The survey noted that approximately 225m from the proposed development site is a pond. In considering the site offers negligible suitability for great crested newts further survey were not considered necessary.

I also note that the nearest records of great crest newt is within 2.8km of the proposed development.

I consider the identified hedgerow planting measures and management in section 9 of the preliminary ecological appraisal to be acceptable.

Reviewing the ecological appraisal and the recommended implantation of a RAMS regarding reptiles, hedgerow planting and management plan along with provisions of nesting and bat roost boxes - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

External Lighting

Careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

The Reasonable Avoidance Method Statement regarding reptiles in Appendix 1 of the Ecological Impact Assessment Report by KG Ecology dated January 2018 and the recommended Hedgerow Planting and Management Plan and biodiversity measures identified in section 9 of the Ecological Impact Assessment Report by KG Ecology dated January 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by 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 Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales on additional information regarding the above, which was received on 30/01/2018.

NRW does not object to the application. We have the following comments.

Foul Drainage:

From the Proposed Block Plan (Gareth Price Chartered Building Surveyor, Drawing No. 4719/1, dated October 2017), we note that the proposed development will be connected to a

new package treatment plant, discharging to a soakaway. The e-mail from the local authority's Environmental Health team (Simon Wedge, 09/02/2017) confirms they are satisfied with percolation test results at the site.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage.

The applicant will need to apply for a Permit or Exemption if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information is available on our website at: <https://naturalresources.wales/permits-and-permissions/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

However, it should be noted that the submission of an application does not guarantee that a permit will be issued.

Protected Species:

We note the information submitted in support of the application (Preliminary Ecological Appraisal, KG Ecology, Ref: KG2017/054, 26/01/2018; Hedgerow Translocation Plan, KG Ecology, Ref: KG2017/054, 26/01/2018). We consider the survey and assessment to be satisfactory for informing NRW's priority interests (European protected species and GB 'fully' protected species).

The proposal is not likely to:

- (i) be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; or
- (ii) affect any local populations of British 'fully' protected species.

You should be advised that should protected species be discovered at any stage during the works, all work should stop immediately and NRW contacted for further advice.

Pollution Prevention:

There is a well approximately 210 metres from the development site. All works at the site must be carried out in accordance with Guidance for Pollution Prevention GPP5: '*Works and Maintenance In or Near Water*' which is available at:

<http://www.netregs.org.uk/media/1303/gpp-5-works-and-maintenance-in-or-near-water.pdf>

Construction Waste:

Any waste excavation material, building waste generated, or the importation of waste (e.g. builders' rubble or tarmac scalplings) for use in the construction should be registered with NRW as an exempt activity under the Environmental Permitting Regulations, or a permit sought. This can be done at the following website:

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

We would inform you that a water main is crossing the application site. We have attached a copy of the water main record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant:

The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com Please quote our reference number in all communications and correspondence.

Councillor Hywel Lewis – Local Member

Cyfeirnod y Cais / Application Ref: P/2017/1389 Cyf. Grid / Grid Ref: 315794.7 267391.68 ar gyfer / for Outline application (with all matters reserved) for erection of 3 detached dwellings,

formation of vehicular access and installation of septic tank and all associated works yn/at Land adjoining The Manse TanhouseDolau Llandrindod WellsPowys

Thank you for notification of the above planning application.

I request the application be “called in” for committee decision on the following grounds,

- The application is outside the development boundary
- Due to the history of the site
- Public interest

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/2015/1033 - Erection of 4 no. log cabins for holiday purposes, new access and associated roadways and installation of sewerage disposal plant.- Refused.

APP/T6850/A/16/3144232 – Appeal against refusal of P/2015/1033. Appeal dismissed.

Principal Planning Constraints

No known planning constraints.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)

TAN 18 - Transport (2007)

TAN 20 - Planning and the Welsh Language (2013)

TAN 23 – Economic Development (2014)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy

UDP SP5 - Housing Developments

UDP GP1 - Development Control

UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP DC11 – Non Mains Sewage Treatment
UDP DC13 – Surface Water Drainage
UDP TR2 – Tourist Attractions and Development Areas

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

Outside of settlement boundaries, UDP Policy HP4 applies and states '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.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. Due consideration of this is given below.

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 latest 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.

Although located in the open countryside, the site adjoins the settlement development boundary of Tanhouse, defined within the UDP as a 'Small Village'. Whilst services within the village are limited to a Community Centre and Primary School, the site is located within close proximity of Penybont (approximately 3.7 miles) which is served by a public house and Crossgates (approximately 5.6 miles away) which has a shop, petrol station and café. Beyond the aforementioned settlements are Llandrindod Wells and Knighton, located within approximately 8.7 miles and 10.4 miles respectively.

There are currently two allocated housing sites within the settlement, R88 HA1 C (5 houses) and R88 HA2 C (10 houses). Whilst these sites are both committed, it is noted that development has only commenced on part of R88 HA1 C and therefore the level of growth expected within Tanhouse (15 dwellings) has not been delivered within the plan period. A further two dwellings have been consented to the south east of the application site, within the settlement development boundary whilst outside of the settlement development boundary, two dwellings have been permitted in outline.

Notwithstanding the limited services within Tanhouse, given the accessibility to neighbouring settlements and scale of the proposed development, it is considered that the proposed residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Appearance, Layout and Scale

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.

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 3 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

Whilst access is a matter reserved for future considered, on the basis of the Highway Authority's comments received, it is considered that the development is capable of providing a suitable means of access together with onsite provision. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

Ecology and Biodiversity

UDP policies SP3 and ENV3 seek to enhance biodiversity and safeguard protected species and their habitats. The application is accompanied by a Preliminary Ecological Appraisal which assesses the potential impact of the development on ecology and biodiversity.

Having reviewed the appraisal submitted, the County Ecologist has confirmed that it is unlikely that the proposed development will unacceptably adversely affect biodiversity or Protected Species at this location. On this basis, Officers consider that the proposed development is in accordance with UDP policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note 5 and Planning Policy Wales.

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: 4719/1 & 4719/2)
5. The Reasonable Avoidance Method Statement regarding reptiles detailed within Appendix 1 of the Ecological Impact Assessment Report by KG Ecology dated January 2018 and the recommended Hedgerow Planting and Management Plan and biodiversity measures identified in section 9 of the Ecological Impact Assessment

Report by KG Ecology dated January 2018 shall be adhered to and implemented in full 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. 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 Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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