

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2018/0060

Grid Ref: 282199.19
304345.29

Community Council: Glantwymyn

Valid Date: 22/01/2018
Officer: Luke Jones

Applicant: Mrs Mary Evans, Brithdir, Tan Y Foel, Dolgellau, Gwynydd, LL40 2RG

Location: Plot 4 Coed Yr Onnen, Glantwymyn, Machynlleth, Powys, SY20 8LF

Proposal: Full: Erection of a dwelling and detached garage and all associated work

Application Type: Application for Full Planning Permission

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

Site Location and Description

The site subject to this enquiry is located adjacent to the development boundary of Glantwymyn; therefore the proposed site is defined as open countryside within the Powys Unitary Development Plan (UDP). The proposed development constitutes a departure from the adopted Powys Unitary Development Plan. The proposed site is located approximately 100 metres from Glantwymyn roundabout. The proposed site is located next to plots 1 and 3 which have been previously been developed. The proposed site is located to the south of the A470 trunk road with open countryside beyond the proposed site.

This application seeks full planning permission for the erection of a dwelling and detached garage, and all associated work.

The proposed dwelling will measure approximately 10.2 metres in length and 12.8 metres in width at its widest. The proposed dwelling will reach a height of approximately 4.2 metres to eaves and 8.1 metres to ridge. The proposed dwelling will have an internal floor space of 136 square metres. The proposed dwelling will be finished with timber, stone and render for the walls and slate tiles for the roof. The proposed windows and doors will be finished with timber/ ali-clad.

Consultee Response

Glantwymyn Community Council

The members of Glantwymyn Community Council discussed this application at a recent meeting of the Council and unanimously agreed to support this planning application for the

construction of a new dwelling and detached garage at Plot 4, Coed yr Onnen, Glantwymyn, Machynlleth.

Powys Highways

The County Council as Highway Authority

Wish the following recommendations/Observations be applied
Recommendations/Observations

The applicant should be aware that upon the issuing of Building Regulation Approval the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the site.

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.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 25.01.2018, advising us of your intention to carry out work at:

Plot 4, Glantwymyn, Coed Yr Onnen, Machynlleth, Powys, SY20 8LF

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). 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. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

You will note the presence of our intermediate / high pressure gas main(s) in proximity to your site. no excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with wales & west utilities

The Wales & West Utilities Intermediate / High Pressure Network may be affected by your proposals and a copy of the information you have provided has been forwarded to Asset Management for their comment. They will then contact you as necessary. Please note, 7 days notice is required if you require a site visit from an Engineer.

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. If you have

requested a new connection or diversion of our apparatus, information will be sent under a separate letter.

If you have any queries please contact Kimberly Nicholls on 02920 278 912 who will be happy to assist you.

Powys Environmental Health

Thank you for your consultation in respect of this application. I note that the applicant is intending to connect to the mains sewer. I have no objection to this application.

Powys Ecologist

Sources of Information:

No ecological information has been submitted with the planning application. These observations are based on an interpretation of available aerial and street imagery, plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

This application concerns the development of a dwelling and detached garden located approximately 100m from the Glantwymyn roundabout. The site has a well-established means of vehicular and pedestrian access and surrounding plots have previously been developed. Access will be via the existing lane.

Summary of historical species records:

There are historical records of the following protected and priority species within 1km of the proposed development:

Badgers – The closest record is within 456m

Various bat species – including unknown bat species (186m), Soprano Pipistrelle bats (114m), Common Pipistrelle (256m)

Otters – The closest record is within 467m

Various bird species – including but not restricted to House sparrow (267m) and Cuckoo (334m) (600m).

Protected Species/Habitats:

Given that the development would utilise an existing prepared plot and access, and due to the distance of the property from suitable habitat, it is considered unlikely that any protected species would be affected by the proposed work.

Numerous bat species are recorded with 250m of the proposed development, bats are likely to be present and active within the locality i.e. roosts in nearby buildings, and using adjacent hedgerows for commuting as well as foraging. No information regarding lighting has been included with the application, however, should any external lighting be installed as part of the proposal it should be directed away from any boundary features to maintain dark corridors. This is to ensure that bats, which are likely to be active around the applicant site are not

affected. It is recommended that a lighting plan is submitted to the LPA for approval prior to commencing the construction at site.

Priority and LBAP Species/Habitats:

The proposed works are not considered to impact on biodiversity features or cause any net loss of biodiversity. However, as a biodiversity enhancement measure, a bat and a small hole nesting bird box could be provided at appropriate locations on the property or garage.

I recommend that native, locally-occurring plant species are included in any landscaping associated with this application.

Non-native Invasive Species:
Unknown

Designated Sites for Nature Conservation:
None likely to be affected

Further information required prior to determination of application:
From an ecological perspective, sufficient information has been provided for this application.

Recommendations:

Should external lighting be installed as part of the development, it is recommended that a lighting plan is submitted to the LPA for approval prior to commencing the construction work.

As a biodiversity enhancement measure, a bat and bird box could be installed at an appropriate location around the site as this would lead to a net increase in biodiversity features at site.

I recommend that native, locally-occurring plant species are included in any landscaping associated with this application

Recommended Conditions:

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

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 scheme details.

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

Relevant UDP Policies:

SP3 Natural, Historic and Built Heritage
ENV 3: Safeguard Biodiversity and Natural Habitats
ENV 7: Protected Species

Welsh Government Transport

I refer to your consultation of 25/01/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government

Representations

Following the display of a site notice, there have been no public representations received.

Planning History

M/2005/0732 - Erection of an affordable dwelling and garage (outline) - Planning Permission Granted subject to S106

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policies and Guidance

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)

Local Planning Policies and Guidance

Powys Unitary Development Plan (2010):
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing adjoining Settlements with Development Boundaries
HP9 - Affordable housing in Rural Settlements
HP10 – Affordability Criteria
SP3 - Natural, Historic and Built Heritage

DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (2004)

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The application site lies outside of any development boundaries 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 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

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

The site itself is adjacent to the development boundary of Glantwymyn which is identified in the UDP as a Small Village. Glantwymyn is served by a wide range of community services and facilities including a primary school, local shop, a public house, health clinic and a veterinary. It is also easily accessible by public transport with regular bus services which provide transport to Machynlleth, Dolgellau and Newtown.

The development site is approximately 5.8 miles east of Machynlleth which is identified in the UDP as an Area Centre. Machynlleth is served by a wide range of community services and facilities including a hospital, secondary school, primary schools, leisure centre, numerous shops and public houses. It is also easily accessible by public transport with regular bus services and a main line railway station.

In light of the range of services available with Glantwymyn and located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of a proposed dwelling. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 and HP5 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.

The proposed site is located within Glantwymyn, the proposed site is located approximately 100 metres from Glantwymyn roundabout. The proposed site is generally level with a wide range of facilities available within a short walking distance from the site.

The application seeks full planning consent for the erection of a detached two storey dwelling and detached garage. The proposed dwelling will measure approximately 10.2 metres in length and 12.8 metres in width at its widest. The proposed dwelling will reach a height of approximately 4.2 metres to eaves and 8.1 metres to ridge. The proposed dwelling will have an internal floor space of 136 square metres. The detached garage will measure approximately 5.9 metres in width and 6.5 metres in length and will reach a height of approximately 4.6 metres.

The proposed dwelling will be finished with timber, stone and render for the walls and slate tiles for the roof. The proposed windows and doors will be finished with timber/ ali-clad windows and doors.

It is considered that the design of the dwelling is in-keeping with the surrounding area and is therefore considered to be of a suitable design. The proposed materials are considered to be in keeping with the adjacent property which will assist in assimilating the proposed dwelling into its local setting.

In light of the above, it is not considered that the proposed development will have an unacceptable adverse impact on existing character and appearance and therefore is considered to be in accordance with policies HP5 & GP1 of the Powys UDP.

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.

It is considered that the proposed dwelling will not create any unacceptable adverse impacts upon the neighbouring dwellings in terms of any loss of daylight or privacy.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties or the proposed dwellings amenities, it therefore fundamentally complies with relevant planning policy.

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 has been consulted on this application and noted the applicant should be aware that upon the issuing of Building Regulation Approval the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the site. The Highway Authority also recommended a condition regarding parking provision.

Welsh Government Transport has also been consulted regarding the proposed development as highway authority for the A470 trunk road but did not issue a direction in respect of this application.

In light of the above it is therefore considered that the proposed dwelling fundamentally complies with Policy GP4 of the Powys Unitary Development Plan 2010.

Biodiversity

As part of this application process YGC ecology has been consulted and has provided comments on the application.

The Ecologist noted no ecological information has been submitted with the planning application. The site has a well-established means of vehicular and pedestrian access and surrounding plots have previously been developed and the access will be via the existing lane. Given that the development would utilise an existing prepared plot and access, and due to the distance of the property from suitable habitat, it is considered unlikely that any protected species would be affected by the proposed work.

The Ecologist noted numerous bat species are recorded within 250m of the proposed development, bats are likely to be present and active within the locality i.e. roosts in nearby buildings, and using adjacent hedgerows for commuting as well as foraging. No information regarding lighting has been included with the application, however, should any external lighting be installed as part of the proposal it should be directed away from any boundary features to maintain dark corridors.

The Ecologist acknowledged the proposed works are not considered to impact on biodiversity features or cause any net loss of biodiversity. However, as a biodiversity enhancement measure, a bat and a small hole nesting bird box could be provided at appropriate locations on the property or garage.

The Ecologist had no objections to the proposed development and recommended a condition regarding external lighting.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Surface Water and Foul 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.

In respect of surface water disposal, the submission indicates that this would be disposed of through the use of soakaways. In respect of foul drainage the proposed development will connect to the mains sewerage system. Environmental Health has been consulted regarding the application and raised no objections to the proposed methods.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

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. Glantwymyn has been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Glantwymyn Ward reported that 53.1% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 58.5% of the population of Glantwymyn spoke Welsh.

The development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3b agricultural land; this category is defined as moderate quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

RECOMMENDATION - Conditional Consent

Having carefully considered the proposed residential development, Development Management is satisfied that the proposal is fundamentally acceptable and in accordance with the listed planning policies. It is not considered that the proposed development will have an unacceptable adverse impact on the character and appearance of the surrounding area or compromise the amenity of the area. The recommendation is therefore one of approval subject to the following conditions.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no's: L01, PL01A, PL02)
3. 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.
4. 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 scheme details.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. To comply with Powys County Council's UDP Policies SP3, 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.

Informative Notes

Highways

The applicant should be aware that upon the issuing of Building Regulation Approval the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the site.

Case Officer: Luke Jones- Planning Officer
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