

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0216 **Grid Ref:** 327600.49 317816.18

Community Council: Llandrinio **Valid Date:** 27/02/2017 **Officer:** Tamsin Law

Applicant: Mr John Lloyd Hendre Lane Brookfields Rhos Common Llandrinio Powys SY22 6RN

Location: Land adjacent to Severnside Rhos Common Llandrinio Powys SY22 6RF

Proposal: Outline: Erection of 19 dwellings, formation of vehicular access and all associated works

Application Type: Application for Full Planning Permission

The reason for Committee determination

The application is a departure from the adopted plan and is recommended for approval.

Location and Description

The site is approximately 0.45 hectares in size and is located adjoining an existing residential estate which forms part of four clusters which make up the settlement of Llandrinio. The site is relatively flat and is bound to the north by the existing residential estate, to the east by the adjoining highway and to the south and west by existing agricultural land.

The application is an outline application with all matters reserved for 19 dwellings with 30% affordable housing provision.

Consultee Response

Cllr. Graham Brown

I wish to call this application in as it is outside planning policy being outside the settlement boundary. Further the Highways proposal is unnecessary and causes a huge detrimental affect to the existing properties on Bagleys Lane.

Llandrinio Community Council

The Community Council considered the above application at a meeting held on Thursday 16th March 2017.

The Community Council wishes to OBJECT to the above application and requests the right to speak at the Planning Committee

1. Policy GP1 - Development Control

This application is outside the settlement boundary as defined by the Unitary Development Plan. In the absence of the adoption of the Local Development Plan guidance must be taken from the existing Unitary development Plan.

2. Policy HP 4 – Settlement Boundaries and capacities

Please see attached letter from Llanfyllin Patient Participation Group who are very concerned that the current medical infrastructure cannot cope with the level of development which has already been given in the area to 49 dwellings (P2016 1016), 15 dwellings (P2016 0790) and 9 dwellings (P2016 0319). Applications are also pending for a further 19 in Four Crosses. The anticipated level of growth for Llandrinio has already been made with these applications and there is no justification for more development.

3. Policy GP 4 – Highway and Parking requirements

It is totally unacceptable that the proposals involve the stopping up of Bagleys Lane (U2232) – this lane had residents which were chronicled back in the 1841 Census.

There is no justification why the existing 10 houses down this lane would have to travel through a housing estate when the applicant owns the land which could be used to widen the access into the lane.

There has only been 2 car parking spaces allocated per property which does not allow for any other visitors.

4. Policy DC 9 – Protection of Water Resources

No proposal has been submitted for the disposal of the surface water from this site as this area would drain into the Sarn Wen Ditch. The Sarn Wen Ditch is an important ditch which drains a large area – it has already been determined by other planning applications that any surface water can only be discharged at greenfield run-off rates and therefore a system of attenuation needs to be designed and incorporated into the application.

The Community Council is very concerned that the planning policies and principles are being ignored due to the lack of a 5 year housing supply – it is very worrying to think of the level of projected development which will change the character of our village for ever.

PCC - Highways

Prior to any other works commencing on the development site, detailed engineering drawings for a footway, relocation, widening and highway signage along the Unclassified Highway U2232 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, 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.

A Stopping Up Order is required to amend the road alignment of the U2232 in direct relation to this site. The agent is aware and is in agreement that the cost of this will be borne by the developer. We therefore recommend that a suitably worded condition is applied to any consent given and advice that the applicant is to pay for the reasonable costs associated with the advertisement and implementation of a Stopping Up Order.

HC1 Any entrance gates 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.

HC4 Prior to commencement of the development the altered junction 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 0.26 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in a northerly direction and 140 metres in a southerly 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.

HC6 Prior to the commencement of the development clear visibility shall be maintained above a height of 0.26 metres above carriageway level over the full frontage of the developed site to the Unclassified Highway U2232 effective over a bandwidth of 2.4 metres measured from 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.

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 (U2232). Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any 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.

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.

HC12 The width of the access carriageway road, constructed as Condition HC7 above, shall be not less than 5.5 metres 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.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including

the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

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,

HC29 All surface water run-off is to be collected and discharged via a piped system to within the site. This system shall be retained and maintained for as long as the development remains 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.

In the interests of highway safety.

Wales and West Utilities

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

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Severn Trent Water

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.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

PCC - Contaminated Land

In relation to Planning Application P/2017/0216 there would be no requirements in respect of land contamination.

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	PCC have provided a Screening Opinion (03/03/17) confirming that EIA is not required for this development.
Ecological Information included with application	Yes	<p>A Phase 1 Environmental Appraisal report by Greenscape Environmental Ltd. (dated November 2016) has been submitted with this application and referred to when making these observations. These observations are also based on an interpretation of available aerial and street imagery, the submitted planning design and access statement and historical biodiversity records provided by the Powys Biodiversity Information Service.</p> <p>The report confirms that the application site is located within semi-improved grassland with poor floral species diversity that is used for pasture and of low ecological value. At least eight ponds are present within 500m. The site is bounded by native species hedgerows to the north and east.</p>
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	<p>There are historic records of bat species (Common & Soprano pipistrelle, Noctule), otter and great crested newt within the vicinity of the application site.</p> <p>The report concludes that otters are unlikely to be affected by the proposal due to the lack of suitable habitat within the site. However, bat species are likely to use the hedgerows bordering the site for foraging and commuting. Mature trees around the site could provide bat roosting habitat. I</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>understand that these hedgerows and trees are to be retained, except for removal of a small section of hedgerow to provide access. A tree and hedgerow protection plan, in accordance with BS5837:2012 will therefore need to be produced for the local authority's approval prior to development commencing.</p> <p>Section 6.2 of the report recommends enhancement for bats in the form of at least one bat roosting box to be installed in a new building.</p> <p>The report states that all ponds within 500m were checked for Great crested newts, where possible, using the Habitat Suitability Index method. Six of these are on the same side of the B4393 to the proposed development and received one 'below average' and five 'poor' scores. Two ponds are on the opposite side of the B4393; one was dry and the other inaccessible, but anecdotal evidence suggested it was dry. However, since it was inaccessible it was assumed to contain GCN. The report concludes that it is unlikely that GCN would be found on the application site from this pond due to the barrier presented by the B4393 and the arable land between the two sites.</p> <p>On this basis, the report states that simple method statements will be provided regarding how the habitat quality will be reduced for newts prior to works commencing and how the sections of hedgerow will be removed with regards to newts. Section 6.4 of the ecology report provides reasonable avoidance measures for GCN for the pre-construction, site set-up and construction phases. Section 6.4.1 of the report provides details of a GCN hibernaculum to be installed as an enhancement measure.</p>
☒	UK Species ☒	<p>There are historic records of badger and nesting birds within the vicinity of the site. No signs of badger activity were observed during the survey but the boundary hedgerows could provide bird nesting habitat, including the sections proposed for removal.</p> <p>I therefore recommend that 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>Section 6.3.2 of the report recommends that a range of different woodcrete bird nesting boxes is provided at various locations within the site to provide an enhancement for nesting birds.</p>

	Section 7 Species & Habitat <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 a Section 7 Priority Habitat and two hedgerows border the north and east of the site; small sections of these would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.</p> <p>The block plan submitted with this application indicates a beech hedge to the rear of the site. However, Section 6.1 of the ecological report refers to a list of native species to be planted within the site. I recommend that these are incorporated within a landscaping scheme as part of a biodiversity enhancement plan for the site.</p> <p>The ecological report also makes recommendations for the installation of a bat roosting box and bird nesting boxes within the site.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See observations above.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the search area.
	National Sites ³ <input type="checkbox"/>	None within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area.
Invasive Non-Native Species	No	No invasive non-native species are recorded in the report by Greenscape Environmental Ltd.
Summary of recommendations / further assessment or work		Bat species are likely to use the hedgerows bordering the site for foraging and commuting. Mature trees around the site could provide bat roosting habitat. I understand that

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

these hedgerows and trees are to be retained, except for removal of a small section of hedgerow to provide access. A tree and hedgerow protection plan, in accordance with BS5837:2012 will therefore need to be produced for the local authority's approval prior to development commencing.

Section 6.2 of the report recommends enhancement for bats in the form of at least one bat roosting box to be installed in a new building.

The ecology report concludes that it is unlikely that GCN would be found on the application site due to the barrier presented by the B4393 and the arable land between the two sites. On this basis, the report states that simple method statements will be provided regarding how the habitat quality will be reduced for newts prior to works commencing and how the sections of hedgerow will be removed with regards to newts. Section 6.4 of the ecology report provides reasonable avoidance measures for GCN for the pre-construction, site set-up and construction phases. Section 6.4.1 of the report provides details of a GCN hibernaculum to be installed as an enhancement measure.

I recommend that 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. Section 6.3.2 of the report recommends that a range of different woodcrete bird nesting boxes is provided at various locations within the site to provide an enhancement for nesting birds.

Hedgerows are a Section 7 Priority Habitat and two hedgerows border the north and east of the site; small sections of these would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.

The block plan submitted with this application indicates a beech hedge to the rear of the site. However, Section 6.1 of the ecological report refers to a list of native species to be planted within the site. I recommend that these are incorporated within a landscaping scheme as part of a biodiversity enhancement plan for the site.

<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding bats, nesting birds, great crested newts and native plant species identified in Section 6 of the Ecological Report by Greenscape Environmental Ltd dated November 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2 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 the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan including the enhancements regarding bats, nesting birds, great crested newts and native plant species identified in Section 6 of the Ecological Report by Greenscape Environmental Ltd dated November 2016 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
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- 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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
Comments on Additional Information	N/A

Natural Resources Wales

Thank you for consulting Natural Resources Wales (letter dated 28/02/2017) regarding the above.

NRW does not object to the proposal.

NRW previously commented on application P/2016/0165 (subsequently withdrawn) for a similar proposal at the same location. Our response letter dated 21/3/2016 is still relevant to the current application with the exception of comments on protected species. At the time of consultation an ecological assessment of the site was not available, this has been subsequently carried out and submitted in support of the current application.

We welcome the recommendations made in the Phase 1 Environmental Appraisal report dated November 2016 by Greenscape Environmental Ltd. The report found no evidence of presence of protected species on site however it makes recommendations for biodiversity enhancements and reasonable avoidance measures for Great Crested Newts (GCN) to further reduce risk of injury/killing during the partial removal of the existing hedgerows which may be used for dispersal purposes.

We have no additional comments to add.

PCC – Environmental Health

The proposal for the foul drainage is to connect to the Severn Trent main sewer. Environmental Protection has no objection to this proposal.

Construction-phase conditions

As a large development in close proximity to existing residential properties, I would recommend the following conditions for the protection of amenity during the construction phase of the project:

1. Prior to the commencement of development a report shall be submitted to and approved by the local planning authority detailing the provisions for the control of noise, vibration and dust for the construction phase of development.
2. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

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

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

Representations

The application was advertised through the erection of a site notice and through press advertisement. 17 objections were received and are summarised below;

- Concerns regarding a requirement to stop up Bageleys Lane and create a new access
- Proposed development is located on green land
- Significant housing development has been granted in both Four Crosses and Llandrinio
- Concerns regarding the final material to be used in the development
- Concerns raised regarding the drainage from the site and potential surface water and sewerage problems
- Increase in vehicular movements could cause noise and pollution issues
- Concerns raised regarding the potential impact on neighbour amenity regarding noise, pollution, loss or privacy, overshadowing, overlooking, disturbance etc.
- Negative visual impact
- Detrimental impact on view
- Concern regarding the impact of the development on services
- Out of character with the existing dwellings and developments
- Concerns regarding highway safety

Planning History

No relevant planning history

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy and Other Guidance

Planning Policy Wales (Edition 9, November 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 15: Development and Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transport (2007)

TAN 20: Planning and the Welsh Language (2013)

TAN 24: The Historic Environment (2017)

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

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

Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system (2017)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 - Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

UDP SP5 - Housing Developments

UDP SP6 – Development and Transport

UDP SP9 – Local Community Services and Facilities

UDP GP1 – Development Control

UDP GP2 – Planning Obligations

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 and Natural Habitats

UDP ENV4 – Internationally Important Sites

UDP ENV5 – Nationally Important Sites

UDP ENV7 – Protected Species

UDP ENV14 – Listed Buildings

UDP ENV17 – Ancient Monuments and Archaeological Sites

UDP ENV18 – Development Proposals Affecting Archaeological Sites

UDP CS3 – Additional Demand for Community Facilities

UDP HP3 – Housing Land Availability

UDP HP4 – Settlement Development Boundaries and Capacities

UDP HP5 – Residential Developments

UDP HP6 – Dwellings in the Open Countryside

UDP HP7 – Affordable Housing within Settlements

UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries

UDP HP9 – Affordable Housing in Rural Settlements

UDP HP10 – Affordability Criteria

UDP RL2 – Provision of Outdoor Playing and Recreation Space

UDP RL6 - Rights of Way and Access to the Countryside

UDP TR2 – Tourist Attractions and Development Areas
UDP T2 - Traffic Management
UDP DC3 – External Lighting
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage
Powys Residential Design Guide (2004)

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Joint Housing Land Availability Study (2016)

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 wholly outside the development boundary of Llandrinio. The site does however adjoin the development boundary.

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.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

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.

Llandrinio has benefitted from a number of consent with 9 dwellings being granted consent within the development boundary and 15 dwelling being granted consent as a departure.

Llandrinio is considered as a large village in the UDP and will remain as a large village within the LDP. The LDP states that at least 25% of the Plan’s housing growth is envisaged to be

within Large Villages. It is noted that the settlement of Llandrinio is served by a church, village hall, general store/newsagent, filling station, public house, children's play area and recreation ground. It is also noted that it is served by bus routes with regards to public transport

Whilst these settlements do not have as wide a range of services and facilities as the area centres or key settlements, they are considered to have a good range of community facilities and the capacity to accommodate additional development. It is also important to note regarding this site that the site, whilst adjoining the development boundary of Llandrinio is approximately 0.5 miles from the centre of Llandrinio which benefits from services. It is however 0.3 miles from Four Crosses, a key settlement, which benefits from a wide range of services and access to public transport links to the wider area.

In light of the above, the site is considered to be a sustainable due to the amenities and services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location

Affordable housing

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

The Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) states that our starting point for affordable housing provision on schemes of more than 5 dwellings should be 30-35%. However, the Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic "guideline" figure contained within the UDP and on that basis, the 20% provision figure suggested is considered to be reasonable in this instance.

The applicant is prepared to accommodate a 30% provision of affordable housing which will be controlled through a section 106 agreement. In light of this, the proposal is considered compliant with the principle of policy HP7.

Design, Layout and Residential Amenity

Guidance contained within UDP Policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst some matters (appearance, landscaping, layout and scale) are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing development which adjoins the site. More importantly it shows that up to 19 dwellings could be accommodated on the site. Detailed design will follow at a later date (if

this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement.

The properties in the locality consist of a mixture of one and two storey detached properties, predominantly of brick and render which are predominantly modern dwellings. The proposed scale of two storeys is not considered to be out of character with the locality.

Whilst the site would be visible from public vantage points including the public highway and neighbouring residential properties and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location which is reasonably related to the built form of the settlement and that landscaping measures would reduce the visual impact, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Whilst the application is in outline with all matters reserved for future consideration the indicative layout demonstrates that the site is capable of accommodating 19 dwellings without having a detrimental impact on the amenity of neighbouring properties.

Clearly, the layout at this stage is indicative and full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available. However, it is considered that the proposal is capable of according with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide.

Landscape

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory Integration into the landscape'.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the River Severn Floodplain (MNTGMVS650) which has a moderate evaluation but sits adjacent to Four Crosses VSA (MNTGMVS635) which has a low classification. The area is characterised by a *'dispersed collection of linear settlements surrounding the junctions of the A483(T) and the B4393 comprising Llandrinio, Rhos Common and Four Crosses. No defined village centre, rather an amalgamation of smaller settlements into one'*. LANDMAP sets out the key elements that should be changed are to *'encourage development as a more nucleated settlement rather than sprawling linear settlement'*. The proposed development is considered to meet such objectives and occupies a site between existing developed areas.

In terms of landscaping, the proposal would provide an opportunity to provide additional native landscaping which would assist in mitigating visual impact. 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 that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location adjacent to an existing residential estate, the

development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact, the proposed scale of the development is considered to reflect the character of the development that has occurred along the highway within Llandrinio, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Highway Safety

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is not a reserved matter in this case and the block plan details the creation of a new adoptable vehicular access to serve the development. Access will be onto the B4393 which runs through the centre of the village.

The application has been considered by the Local Highway Authority who are satisfied with the proposed scheme subject to a number of planning conditions. However as the application is in outline with all matters reserved for future consideration Officers only need to be content that a safe access can be achieved. As Highways are offering no objection to the proposed development it is not considered necessary to attach highways condition to this application as access will be fully considered at reserved matters stage.

As such the proposed development is considered to fundamentally comply with policy GP4.

Foul Water

The application details that the site will be served by mains systems in respect of the disposal of foul waters. The proposed use of mains sewerage disposal is compliant with UDP policy DC10.

Severn Trent Water have confirmed that they do not object to the proposed development subject to conditions relating to the agreement of surface and foul water drainage plans and have not raised concerns about the capacity of the system.

It is therefore considered that proposal in this regard is acceptable subject to conditions which have been attached at the end of this report.

Ecology and Biodiversity

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The application is supported by an extended phase 1 habitat survey which concludes that there was no evidence of protected species at the site and that Great Crested Newts were unlikely to be located at the site due to the need for them to cross the adjoining highway. The construction of a new access would require the removal of an unspecified length of hedgerow which currently forms the highway boundary. The survey report concludes that no

hedgerows on site are considered to be important under the Hedgerow Regulations and that the planting of new hedgerows is proposed, as well as retention of some of the existing.

Consultation with the County ecologist resulted in conditions being suggested which are considered to be reasonable although the condition that relates to a species list for landscaping is considered to be premature at this stage and will be considered along with the reserved matters. The remaining conditions are attached at the end of the report.

Recreation provision

As the site proposes 19 dwellings consideration must be given to whether there is adequate play space in close proximity to the site. It is apparent that there is little in the form of open space in close proximity to the site as such it is considered necessary to require that an area of open space is provided as part of the proposed development. Whilst an area of open space is not identified on the indicative layout Officers consider that an area of open space could be successfully provided and as layout is a reserved matter the layout can be adjusted at this stage to accommodate the open space.

It is considered that it would be reasonable and practicable to require an area of open space to be provided on the application site to serve the development. The provision and long term maintenance of this would be secured via a section 106 agreement (planning obligation).

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is classed as Urban and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. The proposed development is for the provision of 19 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

It is recommended that the application be approved subject to the conditions set out below and subject to the applicant entering into a Section 106 agreement to secure open space.

Conditions

1. Details of the layout, appearance, landscaping 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. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

5. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

6. Prior to the commencement of development a report shall be submitted to and approved by the local planning authority detailing the provisions for the control of noise, vibration and dust for the construction phase of development.

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

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

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

8. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

9. The recommendations regarding bats, nesting birds, great crested newts and native plant species identified in Section 6 of the Ecological Report by Greenscape Environmental Ltd dated November 2016 shall be adhered to and implemented in full.

10. 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. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

5. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

6. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).

7. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).

8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010) and Technical Advice Note 15 – Development and Flood Risk (2004).

9. To comply with Powys County Council's UDP Policies SP3, ENV2 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 the Environment (Wales) Act 2016.

10. 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.

Informative Notes

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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought