

Highway Authority

The County Council as Highway Authority for the County Unclassified Highway, U1522

Wish the following recommendations/Observations be applied
Recommendations/Observations;

The proposed development shall be constructed in complete accordance with the drawings submitted prior to the first beneficial use of the annex.

Welsh Water

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Councillor Gwilym Williams

With reference to a recent planning application in my Ward of Dissert and Trecoed which is down Holly Lane by Howey village for an annex to an existing property.

I now understand that there has been a new plan sent before the council which is different to the previous one.

Because of local concern in the policy of an annex and the new policy, and the change to the layout inside, I would ask that this planning application be called in to the full planning committee.

Powys Ecologist

Thank you for consulting me with regards to planning application P/2018/0621 which concerns a full application for the erection of an annex at Elancot, Howey, Llandrindod Wells.

I have reviewed the proposed plans submitted with the application as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 561 records of protected and priority species within 500m of the proposed development, with no records found for the site itself. Species recorded within 500m of the proposed development include bat species pipistrelle and brown long eared, great crested newt and white clawed crayfish.

There are two statutory designated sites within 500m of the proposed development;

- SAC – River Wye (tributaries) approximately 135m from the proposed development
- SSSI – River Ithon approximately 135m from the proposed development

No non statutory designated sites are present within 500m of the proposed development.

Having taken into account the location of the designated sites and the nature of the proposed development it is considered that there would be no likely negative impacts directly or indirectly to these sites and/or their associated features.

The proposed development is likely to impact an area of amenity planting which is a habitat considered to be of relatively low ecological value.

Great Crested Newts – European Protected Species

I note that there are records of great crested newts within 475m of the proposed development – consideration has been given to the suitability of the habitats present and affected by the proposed development to support Great Crested Newts – Great Crested Newts being a European Protected Species.

Having reviewed information available in form of aerial and streetview images as well as site visit photographs – it is noted that the proposed development will be impacting an area of amenity planting surrounded by amenity grassland which offers low suitability terrestrial habitat for Great Crested Newts. It is considered that the proposed development would be unlikely to result in the loss of resting or breeding habitat for this species or result in the creation of a barrier to their dispersal to surrounding suitable habitat.

External Lighting

Careful consideration will need to be given to any external lighting proposed for the site, 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.

Landscape 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. It is therefore recommended that if considered necessary a landscape planting scheme is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend 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 approved details.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 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.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policy DM4 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.

CADW

Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Clwyd Powys Archaeological Trust

Comments Received 10/07/2018:

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity. The proposed annex building and its associated landscaping and services appear to directly impact the former line of a Roman road which passes through the plot from north to south (PRN's 14006 and 14007 – see attached plan). The road runs south from Castell Collen Roman fort near Llandrindod Wells and is well preserved as a wide earthen embankment to the north of Elancott. To what extent the road surface and its foundation layers survive within the plot is unknown. Although the plot is currently used as a lawned garden area with trees and shrubs the sub-surface preservation of the road may be very good here and would require investigation and recording prior to destruction.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government Planning Policy Wales (Edition 9, Nov 2016), TAN 24: the Historic Environment (May 2017) suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work. I have also attached a brief for the evaluation work.

Please contact me if you wish to discuss the above advice or require any more information.

Comments Received 29/08/2018:

Thank you for the additional information about the various issues at this site and the timing of the committee meeting. Given the constraints and the stated willingness of the applicant to fully fund and complete the archaeological investigation as a condition of consent I would be happy to withdraw the pre-determination evaluation recommendation on this occasion and replace it with a scheme of archaeological investigation condition.

In this case the condition would be:

Suggested planning condition to facilitate a scheme of archaeological investigation as a condition of consent:

No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigation work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of all archaeological remains associated with the former Roman road in this plot which will be impacted by the development

Representations

The application was advertised through the erection of a site notice, a total of 4 objections have been received in respect of the proposed development and are summarised below;

- Trees which form a buffer between neighbouring properties will need to be removed.
- Proposed development is a new dwelling not an annex and is not required given the existing 3 bedroom bungalow on site.
- Number of previous applications on Holly Lane been refused due to being a single no through road lane.
- Lane should be upgraded to two-way traffic before any new development takes place.
- Traffic will increase along Holly Lane.
- There is not a valid need for an annex of this size.

Planning History

P/2009/0774: Full: Alterations and improvements to existing bungalow and erection of detached storage building – Conditional Consent.

P/2010/0906: Full: Erection of a hay and implement store – Conditional Consent.

P/2014/0765: Full: Erection of a hay and implement store – Conditional Consent.

Principal Planning Constraints

Scheduled Ancient Monument

Principal Planning Policies

National Planning Policy

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)

Technical Advice Note (TAN) 24: The Historic Environment (2017)

Local Planning Policies

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

H7 – Householder Development

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local 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

Introduction

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

LDP policy H7 establishes the principle of development for a proposal of this nature;

“Proposals for ancillary development, including residential annexes, shall be provided as an extension to a dwelling. Where this is not practical, the following considerations will apply:

1. Ancillary buildings used for all purposes shall be designed to be subservient to and grouped with the main dwelling.
2. Ancillary buildings providing residential accommodation shall not be self-contained or have the facilities necessary for occupation independent of the main dwelling. Proposals should form a subordinate addition to the property, sharing access and amenity space with the main dwelling”.

Whilst detached from the main dwelling house, the proposed annex is located within the residential curtilage of the property and will share the existing access and amenity space. The scale of the proposed annex is considered to be subservient to the existing bungalow and has been suitably sited within the curtilage of Elancot. Amended plans received on 10th August 2018 indicate the provision of a lounge/bedroom for carer, bedroom, utility, wet room, bathroom and store. On the basis of the information submitted, Officers are satisfied that the proposed annex will not be occupied independently of the main dwelling house.

In light of the above and notwithstanding the concerns expressed, Officers are satisfied that the proposed accommodation will be ancillary to the main dwelling house, compliant with planning policy H7 as above.

Fall-back Position

Class E, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 permits the provision within the curtilage of a dwelling house of any building required for a purpose incidental to the enjoyment of the dwelling house subject to compliance with specified criteria.

Members are advised that the proposed annex complies with the criteria contained within Class E with the exception of criterion (e) which limits the ridge height of a building with a pitched roof to 4 metres. In determining the current application, consideration is given to the above by Officers and the potential fall-back position.

In accordance with Class E and subject to a reduction in the ridge height of the proposed annex (below 4 metres), Members are advised that the provision of a self-contained annex within the curtilage of Elancot would be considered permitted development and therefore would not require the benefit of a planning application.

Scale and Design

With respect to design specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The proposed annex is located approximately 7 metres to the east of the existing property and is separated by the existing driveway/access area which will be shared. The proposed ridge height of the annex measures approximately 5.2 metres and therefore Officers consider that the annex will be subservient to the host dwelling thus not detract from its character.

Concerns have been raised with regards to the existing landscaping, particularly that trees will need to be removed to accommodate the proposed development which form a buffer between Elancot and neighbouring properties. It has been confirmed within the application form that no trees or hedgerows will be affected as part of the proposed development. Concern has also been raised stating there is no need for a building of this size on site. In considering the proposed development, it is not considered necessary to challenge the scale of the proposal in relation to its use providing that the scale is appropriate to the sites surroundings. The amended plans demonstrate a reduction in floor space from approximately 116.6 square metres to 93.6 square metres. The proposal covers less than 50% of the land within the curtilage of Elancot and is deemed to be subservient to the host dwelling and therefore would not adversely affect the character of the existing property, neighbouring dwellings or surrounding area. On this basis and whilst acknowledging the concerns expressed, Officers do not consider that sufficient weight can be given to the concerns highlighted to justify a refusal of permission on the grounds of scale.

The selected materials for the proposed annex are as follows; brick walls, tiled roof and uPVC / timber windows and doors to match the host dwelling. It is considered that the proposed materials will complement the existing dwelling house and will assimilate the proposed annex in to its local setting. As such the selected materials are considered acceptable in this location.

In light of the above it is considered that the design, scale and appearance of the proposed annex fundamentally complies with relevant planning policy.

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area in terms of reducing the number of parking spaces to an unacceptable level. The Local Highway Authority has been consulted on the development and has raised no objection.

Whilst noting the third party concerns in respect of additional traffic and standard of the unclassified highway (Holly Lane), in light of the Highway Authority's comments, it is not considered that a refusal on the grounds of highway safety would be sustainable.

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

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

The proposed development is not considered to adversely affect the amenities of neighbouring properties by reasons of loss of daylight or privacy. There is a large area of trees and hedgerow between the site of the proposed development and the nearest neighbouring residential property, Holly Cottage, which will be retained. Given the siting of the proposed annex together with existing screening, it is not considered the proposed development will cause any adverse impacts on any neighbouring properties.

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

Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity, safeguard designated sites, protected species and their habitats.

The Ecologist reviewed the plans as well as records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 561 records of protected and priority species, although no records were found for the site itself. The River Ithon SSSI is located within approximately 135 metres of the application site which is a tributary of the River Wye SAC. The Ecologist indicated that the proposed development is likely to impact an area of amenity planting which is considered to be of relatively low ecological value.

Consideration has been given to the potential the proposed development has to impact upon Great Crested Newts, given that there are records within 475m of the proposed development. Having reviewed the application site, the Ecologist considered that the proposed development would be unlikely to result in the loss of resting or breeding habitat for this species or result in the creation of a barrier to their dispersal to surrounding suitable habitat.

The Ecologist has recommended that careful consideration is given to any external lighting, with measures being identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. Should Members be minded to grant permission, it is recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

It has been recommended that any details of proposed landscaping as part of the proposed development are submitted in the form of a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. There is no landscaping proposed as part of the proposed development and therefore it has not been considered necessary to include the recommended condition.

In light of the above, and subject to recommended conditions, it is considered that the development fundamentally complies with relevant planning policy.

Scheduled Ancient Monument

In considering any detrimental impact to Scheduled Ancient Monuments, consideration has been given to Technical Advice Note 24: The Historic Environment and whether the proposed development would have any adverse impact upon the setting of any monuments.

Cadw confirmed there are no scheduled monuments or historic parks and gardens that would be affected by the proposed development. Therefore it is considered that the proposed development fundamentally complies with relevant planning policy.

It is also noted that the application site falls within an area of high archaeological sensitivity, with the proposed annex building and its associated landscaping and services directly impacting the former line of a Roman Road. As a result it has been recommended by Clwyd Powys Archaeological Trust that a condition is imposed to secure a programme of archaeological investigation work in accordance with a written scheme of investigation. This is to ensure the preservation of all archaeological remains associated with the former Roman Road in this plot which will be impacted by the development.

In light of the above, and subject to the inclusion of the recommended archaeological condition, it is considered that the proposed development fundamentally complies with relevant planning policy.

RECOMMENDATION – CONDITIONAL CONSENT

Having carefully considered the proposed development, Officers consider that the proposal fundamentally complies with relevant planning policy. The recommendation is therefore conditional approval subject to the conditions below.

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 amended plans stamped as received on 10/08/18 (drawing no's: 5 EC2 & 6 EC1) and amended plans stamped as received on 23/08/2018 (drawing no's: Site Plan & Location Plan).
3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
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 approved details.
5. The accommodation hereby approved shall remain ancillary to the dwellinghouse known as 'Elancot', outlined in red on the approved site location plan and at no time shall be occupied as a separate residential dwelling.
6. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigation work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
4. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to 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.

5. In order to prevent the establishment of a residential dwelling in accordance with policies SP5, DM13 and H1 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
6. To secure preservation by record of all archaeological remains associated with the former Roman road in this plot which will be impacted by the development. This condition is imposed in accordance with policy SP7 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2017) and Planning Policy Wales (2016).

Informative Notes

Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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@dwrcymru.com

Please quote our reference number in all communications and correspondence.

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