



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/2034/HH

Grid Ref: E: 297452
N: 268469

Community Council: Rhayader

Valid Date: 01.02.2022

Applicant: Miss Jill Exton

Location: 36 Maes Brenin, Rhayader, LD6 5EP

Proposal: Construction of a conservatory and decking to the rear of the property.

Application Type: Householder

The reason for Committee determination

The applicant is a member of PCC staff in regular contact with the Planning Department

Consultee Responses

Consultee	Received
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Rhayader Town Council

No comments received at the time of writing this report

PCC-Building Control

No comments received at the time of writing this report

Ward Councillor

No comments received at the time of writing this report

Welsh Water

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

The proposed development site is crossed by a 150mm public foul water only sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us. The applicant may be able to progress with a build over sewer (BOS) agreement or divert this asset under Section 185 of the Water Industry Act 1991. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

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.

Advisory Notes

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 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.

Water supply

Dwr Cymru Welsh Water has no objection to the proposed development.

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.

PCC - Highways

4th Feb 2022

Based on the information provided, the Highway Authority does not wish to comment on this application.

Natural Resources Wales

4th Feb 2022

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

Following the display of a site notice there has been no public representations received at the time of writing this report

Planning History

App Ref	Description	Decision	Date
None			

Principal Planning Constraints

LDP Development Boundaries Rhayader/ Rhaeadr Gwy

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
DM15	Waste within Developments		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
H7	Householder Development		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026

SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998
 Equality Act 2010
 Planning (Wales) Act 2015 (Welsh language)
 Wellbeing of Future Generations (Wales) Act 2015
 Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within Rhayader Town Council area. The application site is located within the settlement boundary of Rhayader, which is identified as a town by the Powys Local Development Plan (2018). The site is within the residential area of Maes Brenin, with residential properties in all directions.

Consent is sought for the construction of a conservatory and decking to the rear of the property. The proposed conservatory will measure 2 metres in length and 3.6 metres in width, with an eaves height of 3.1 metres at its highest point and a ridge height of 3.7 metres at its highest point. The proposed conservatory will be finished with a mixture of brick work for the walls and white upvc frame with glazing. The roof will be finished with white upvc and glazing. Due to the sloping nature of the garden, the conservatory will be constructed on a brick and block plinth which will reach a height of 800mm at its highest point.

The new decking area will measure approximately 4.25 metres in length and 2 metres in depth and will be finished with timber. The decking will reach a height of approximately 800 mm above ground level at its highest point.

The proposal also includes a canopy measuring approximately 4.2 metres in length and 2 metres in depth which will be attached to the conservatory. The proposed canopy will reach a height of 3.1 metres to eaves at its highest point and a ridge height of 3.7 metres at its highest point from ground level. The proposed canopy will be finished with polycarbonate panels, in a aluminium / PVC-u frame in white with the support posts finished in steel with a white powder coated finish

Principle of Development

Policy H7 of the Powys LDP (2018) encourages additional residential development to

be provided as extensions to existing dwellings and where this is not possible, it requires new buildings to be grouped with and subordinate to the main dwelling. Planning Policy Wales further emphasises that extensions to dwellings should be well designed. Policy DM13 supports this further, developments must demonstrate a good quality design and shall have regards to the qualities and amenity of the surrounding area.

It is noted that the proposal is for a conservatory and decking area attached to the existing dwelling and therefore it is considered that the principle of development complies with the Powys LDP (2018) subject to the following:

Design and External Appearance

With respect to design, specific reference is made to LDP policy DM13 (Part 1, 2, 4 and 7). The above mentioned policy clearly states that proposals will only be permitted where 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. Furthermore, the policy also notes that developments need to contribute towards the preservation of local distinctiveness and sense of place.

The proposed development will be finished with a mixture of brick work for the walls and white upvc frame with clear glazing. The roof will be finished with white upvc and clear glazing. The proposed extension seeks to extend outwards from the existing dwelling to the rear of the property into the garden area. It is considered that given the size of the proposed extension and the size of the existing dwelling that the proposed development is subordinate in scale to the main dwelling. The proposed design, appearance and scale of the extension are considered to complement the existing dwelling in terms of its visual appearance.

The proposal also includes a canopy measuring approximately 4.2 metres in length and 2 metres in depth which will be attached to the conservatory. The proposed canopy will be finished with polycarbonate panels, in an aluminium / PVC-u frame in white and the support posts will be steel with a white powder coated finish. The proposed design, appearance and scale of the canopy are considered acceptable within this location.

The proposed decking area is also considered to be of an appropriate size and scale within this location without having a detrimental impact on any neighbouring properties.

Therefore, the proposal is considered to be acceptable and fundamentally complies with LDP 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.

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

Neighbour Amenity

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

From reviewing the initial plan submitted by the applicant, the Local Planning Authority raised concerns regarding the impact of the proposed development in terms of loss of light and overshadowing as the development did not comply with the 45 degree rule. The 45-degree rule is a common guideline used to determine the impact from a housing development proposal on sunlight and daylight to the neighbouring properties.

As a result of the concerns raised by the Local Planning Authority the overall size and scale of the conservatory has been reduced to ensure the proposal complies with the 45 degree rule.

It is acknowledged that due to the sloping nature of the garden, the conservatory will be constructed on a brick and block plinth which will reach a height of 800mm at its highest point. The eastern side of the conservatory is proposed to have a solid brick and block wall, with the two closest roof glazing panels to the neighbouring property being obscured glazing in order to provide privacy for both the applicant and neighbour.

The proposed extension is single-storey and falls outside of the exclusion zone created whilst considering the 45-degree rule. The closest elevation to the neighbouring attached property will be the eastern elevation which does not include any fenestration and will be constructed of solid brick.

It is not considered the proposed canopy or decking area will have a detrimental impact on any neighbouring property in terms of loss of light, overlooking or loss of privacy.

It is therefore considered the proposed development would not have a detrimental impact upon the amenities enjoyed by occupiers of any neighbouring properties in terms of loss of light or overshadowing and loss of privacy and overlooking.

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

Biodiversity

In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys Local Planning Authority should ensure that there is no unacceptable harm to biodiversity as a result of a proposed development.

Consideration has been given as to whether the proposed development would have a potential detrimental impact upon a natural environment asset. It is noted that the proposed development would not impact upon the existing dwelling's roof and would impact an area of existing garden and hardstanding to the rear of the dwelling. It was therefore not considered necessary for a preliminary ecological assessment to be undertaken.

As part of the application, it is proposed to remove the existing conifer hedge in order to construct the conservatory along the boundary of the property. The current conifer hedge is approximately 5 metres long. The applicant has confirmed that the works to remove the conifer hedge will be undertaken to avoid potentially disturbing any birds which may use the site. An informative note will be attached to any consent granted in relation to nesting birds.

It is acknowledged that the application has not provided any biodiversity enhancements therefore a condition will be attached to any consent granted ensuring a bird box is installed within the application site.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposal complies with relevant planning policies.

Phosphorous Sensitive Area (River Wye SAC)

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications affecting phosphorus sensitive river Special Areas of Conservation (SACs) (updated 26th May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the current published advice:

Any development that does not increase the volume of wastewater

On this basis and given the scale and nature of the proposal it is considered acceptable in relation to the wellbeing of the River Wye catchment area.

Surface Water Drainage

Welsh Water has been consulted on the proposed development and raised no objection to the development subject to the inclusion of a condition regarding no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposal complies with relevant planning policies.

RECOMMENDATION – Conditional Consent

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents; Location plan revised, Site Plan revised, Conservatory Specification, Evans Windows proposed, plans, Amended side elevation B proposed, Amended side elevation A proposed, Amended rear elevation proposed, Amended plan proposed.
- 3 Prior to the first beneficial use of the conservatory, 1no. bird box shall be installed within the application site and maintained thereafter for as long as the development remains in existence.
4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of clarity and a

satisfactory development.

3 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

4. 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.

Informative Notes

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 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.

Water supply

Dwr Cymru Welsh Water has no objection to the proposed development.

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.

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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.