

**Planning, Taxi
Way Committee**



**Licensing and Rights of
Report**

Application Number: 21/2249/HH

Grid Ref: E: 311192
N: 292065

Community Council: Newtown And
Llanllwchaiarn Community

Valid Date: 13.01.2022

Applicant: Mr Karl Chapple Gill

Location: High Meadow, 3 Churchill Drive, Newtown, SY16 2LE.

Proposal: Erection of a residential steel frame garage to replace an existing garage, creation of new driveway and dropped kerb (part retrospective)

Application Type: Householder

The reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds of the design, size and scale and materials of the proposed garage.

Consultee Responses

Consultee

Received

Community Council

11th Feb 2022

The committee objects to the application, quoting Newtown Place Plan policy CHA.

PCC-Building Control

17th Jan 2022

Please be aware that a Building Regulations application will need to be submitted for this work prior to commencement.

Ward Councillor

7th February 2022

I would like to call in this application to be reviewed and determined by the planning committee. I have had a number of emails and phone calls from local residents raising concerns over this application.

In particular the local residents are concerned about:

- a) The size of the garage compared to the previous garage.
- b) The materials being used – steel structure may not be suitable for the area.
- c) The garage potentially being used for commercial use.
- d) The looks – more like an industrial building rather than a garage.

CPAT

16th Feb 2022

Having checked the information held within the Historic Environment Record I can confirm that there are no impacts to any recorded archaeology for Powys Planning Application 21/2249/HH at High Meadow 3 Churchill Drive Newtown.

PCC Environmental Protection

22nd Mar 2022

Concerning planning application 21/2249/HH, as the proposal is for a residential garage and there will be a planning restriction against any potential commercial use, Environmental Protection would not have any requirements.

Cadw - SAM

No response received at the time of writing this report.

Hafren Dyfrdwy

28th Feb 2022

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets

crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

PCC Highways – First Response

1st Feb 2022

Does not wish to comment on the application

PCC-(M) Highways – Second Response

21st Feb 2022

The County Council as Highway Authority for the County Unclassified Highway, U4266

The Highway Authority (HA) has reviewed the revised drawing submitted in support of the application and wish to make the following comments.

We note the revised Location Plan shows a proposed vehicle access off the U4266; however, no detail of the proposed access has been submitted for consideration.

Subject to the following conditions being attached to any consent given, the HA would not object to the revised application.

1. Notwithstanding the submitted details on the revised Location Plan, the Highway Authority wish the following conditions to be applied to any consent given.
2. No other development shall commence until clear visibility is provided above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U4266 road 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.
3. Upon formation of the visibility splays as detailed 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.
4. Before any other development is commenced 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
5. Prior to the first beneficial use of the development the area of the access to be used

by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 5.5 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.

6. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

7. The width of the access carriageway, constructed as Condition 2 above, shall be not less than 3.2 metres for a minimum distance of 5.5 metres along the access 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.

8. Any vehicular entrance gates installed within the application site shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

9. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Public Representations

Following display of a site notice, 9 public representations have been received objecting to the proposed development. The main issues raised are as follows:

- Concerns raised regarding the use of the garage
- Concerns raised regarding the materials proposed
- Size and scale of the development is overbearing
- Concerns regarding the new driveway

Planning History

| App Ref | Description | Decision | Date |
|-------------|--|----------|---------------|
| P/2016/0476 | Section 192: Certificate of lawful development for a proposed use to replace existing garage with new garage | Refused | 23rd Jun 2016 |

Principal Planning Constraints

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| LDP Development Boundaries Within a distance of 0.5km | Newtown/ Y Drenewydd Newtown Old Church |
|--|--|

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|--------|---|------|-----------------|
| NATPLA | Future Wales - The National Plan 2040 | | National Policy |
| PPW | Planning Policy Wales (Edition 11, February 2021) | | National Policy |
| TAN5 | Nature Conservation and Planning | | National Policy |
| TAN12 | Design | | National Policy |
| TAN18 | Transport | | National Policy |

| | | |
|--------|--|----------------------------------|
| TAN24 | The Historic Environment | National Policy |
| SP7 | Safeguarding of Strategic Resources and Assets | Local Development Plan 2011-2026 |
| 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 Development | Local Development Plan 2011-2026 |
| H7 | Householder Development | Local Development Plan 2011-2026 |
| RES | SPG Residential Design Guide (2020) | Local Development Plan 2011-2026 |
| SPGBIO | Biodiversity and Geodiversity SPG (2018) | Local Development Plan 2011-2026 |
| DM15 | Waste within developments | Local Development Plan 2011-2026 |
| T1 | Transport | Local Development Plan 2011-2026 |
| SPGNPP | Newtown Place Plan SPG | Local Development Plan 2011-2026 |
| SPG | Historic environment | 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 of Development

The application site is within the Town Council area of Newtown and Llanllwchaiarn. Newtown is identified as a town within the Powys Local Development Plan (Adopted 2018). The application site is located within a residential area of Newtown and is bordered by residential dwellings to the south, west and east with the U4266 unclassified access estate road to the north.

The application seeks permission to demolish the existing single bay garage with the erection of a new steel frame garage. Consent is also sought for the creation of new driveway and dropped kerb. The proposed garage is to be used for storing the applicant's cars.

The proposed garage is to measure 6.35 metres in length by 6.35 metres in width with a ridge height of 3.6 metres and an eaves height of 2.85 metres. The proposed garage will be finished with insulated steel sheeting panels in a dark grey colour.

Principle of Development

LDP Policy H7 encourages additional residential development to be provided as extensions to existing dwellings and where this is not possible, it requires the 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 states that proposals will be acceptable only where they complement or enhance the character of the existing building in terms of its height, proportion, scale, roof pitches, gable features, materials and fenestration, whilst avoiding any unacceptable loss of parking or adverse impact upon neighbouring properties.

Given that the proposal is for a single storey rear garage, it is therefore considered that the principle of development fundamentally complies with the relevant planning policy subject to the following further considerations.

Design and External Appearance

With respect to design, specific reference is made to LDP policy DM13 (Part 1 and 2). 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 application seeks permission to demolish the existing single bay garage with the erection of a new insulated steel frame garage. The proposed garage is to measure 6.35 metres in length by 6.35 metres in width with a total height to the ridge of 3.6 metres and

2.85 metres to the eaves. The proposal does not take up more than half of the garden area and is considered acceptable in terms of the size and scale and remaining subservient to the main dwelling.

The proposed garage is to be sited in the rear garden of the property on the south-western side and will be placed approximately 1 metre away from both the side and rear boundary. The proposed garage is considered to be of a modest height and is not considered to be overbearing on any neighbouring property.

The proposed materials are composite insulated steel sheeting panels in anthracite grey colour for both the walls and roofing. The proposed materials are not normally associated with residential garages which are commonly built using brick or timber. However, it is not considered that the proposed materials will affect the character of the area and are considered by officers as an acceptable alternative.

The proposed garage is to be used for the storage of the applicant's cars. Concerns have been raised in relation to the use of the garage which will be restricted via a planning condition. The condition will restrict the use of the garage solely for purposes incidental to the enjoyment of the dwelling at 3 Churchill Drive, Newtown and shall not be used for any other purpose whatsoever, including any independent or commercial use.

In light of the above it is considered that the proposal complies with the relevant planning policies.

Highways

Safe access and parking are a fundamental requirement of any development. The application does not seek alterations to the existing means of access to the property and the development would not affect the existing parking area.

The Local Highway Authority has been consulted on the proposal and initially raised no objection to the development, however the scheme was amended to include a new driveway and dropped kerb. The Highways Authority were reconsulted and raised no objection subject to the inclusion of a number of conditions which will be attached to any grant of consent.

As such, it is considered that the proposed development fundamentally complies with policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.

Residential Amenity

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the LDP policy DM13 (criterion 11) and the Powys Residential Design Guide (October 2020).

The application site is bordered by residential properties to the west, east and south. The proposed garage does not include any windows and therefore it is not considered the proposal will impact on the loss of privacy to any neighbouring property. The site is bound by a fence on the rear elevation, and hedges and existing buildings on the side elevations of the rear garden. It is considered that the garage will be relatively screened on all three sides by the existing fence, hedgerow and garages. The proposed building is to be located approximately 1 metre away from the boundary on both the rear and western side. It is not considered that the building will adversely affect these properties in relation to loss of light or overshadowing.

It is noted that the garage reaches a height of approximately 3.6 metres to ridge, which is not considered to be over dominant and overbearing within this location. It is also considered that the positioning of the building being at least 1 metre away from the boundary, will not impact any neighbouring properties in terms of loss of light, privacy and being overbearing.

PCC Environmental Protection has also been consulted on the proposed development in relation to matters such a noise and noted as the proposal is for a residential garage and there will be a planning restriction against any potential commercial use, PCC Environmental Protection raised no objection to the development.

In light of the above it is considered that the proposal complies with the relevant planning policies.

Ecology and Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is emphasised within Technical Advice Note 5 and PPW.

Biodiversity Enhancements

No details have been provided in terms of biodiversity enhancements for the proposed development. Therefore, a condition will be attached to any consent granted in relation to a biodiversity enhancement plan.

Protected Sites

The application site is not located within 1 kilometre of a SSSI or SAC however is within 600 metres of an ancient woodland (AW). Given the distance between the site and the AW, it is not considered that the development will affect the protected site.

Protected Species

The application proposes to demolish the existing garage at the site on the south-eastern

corner of the rear garden. Photos have been provided which demonstrate that the existing garage is flat roofed with metal sheeting roof panels and does not have a roof space. Having considered the materials of the existing garage it is not considered the existing garage has suitable features to support protected species. Therefore, it was not deemed necessary to request a preliminary ecological report and an informative note will be attached to any consent granted.

Given the residential setting of the application site it is not considered necessary to attach a condition in relation to external lighting.

Archaeological Implications

CPAT has been consulted on the proposed development and, having reviewed information held within the Historic Environment Record, confirmed that there are no impacts to any recorded archaeology as a result of the proposal.

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

Public Representations

Following the erection of a site notice on the 26th of January 2022, the Local Planning Authority received 9 letters of objection to the proposed development. The objections relate to the proposed materials, along with potential commercial use, creation of driveway and the height of the proposal.

A condition will be attached to any consent granted restricting the use of the garage purposes incidental to the enjoyment of the dwelling at 3 Churchill Drive, Newtown only to ensure the proposed garage is not used for any commercial purposes.

The comments in relation to the creation of a driveway and laying of stone has been considered as part of this application. PCC Highways has been consulted on the proposal and raised no objection to the development subject to the inclusion of conditions.

Matters in relation to the height of the garage proposed and the materials have been considered above within the design section of this report. The proposed height and materials are deemed acceptable.

It is noted that Newtown and Llanllwchaiarn Town Council raised an objection to the proposed development and quoted Newtown Place Plan policy CHA. Policy CH-a of Newtown Place Plan states:

“All new development and redevelopment within Newtown and Llanllwchaiarn should contribute positively to the character & local distinctiveness of the character area.”

Having considered the proposed garage it is not considered the proposal would have a

detrimental impact on the character and local distinctiveness of the area. Matters in relation to design, size and scale and material have been considered above and are deemed acceptable by the Local Planning Authority.

Scheduled Ancient Monument

The application site is located approximately 370 metres to the north east of 'Newtown Old Church' which is a recognised Scheduled Ancient Monument. Both CPAT and CADW have been consulted on the proposal and raised no objection to the development. Given the distance between, it is not considered that the development will have a detrimental impact on Newtown Old Church Scheduled Monument.

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

RECOMMENDATION – Approval

Conditions

1. The development to which this relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans approved on the date of this consent (Drawing ref: 'High Meadow Elevation Plan Revised on 30/03/2022' 'High Meadow Location Plan received on 22/03/2022' & 'High Meadow Floor Plan'.
3. Prior to the commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
4. The building hereby approved shall be used solely for purposes incidental to the enjoyment of the dwelling at 3 Churchill Drive, Newtown and shall not be used for any other purpose, including any independent or commercial use.
5. No other development shall commence until clear visibility is provided above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U4266 road 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.

6. Upon formation of the visibility splays as detailed 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.
7. Before any other development is commenced 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 5.5 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.
9. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 3.2 metres for a minimum distance of 5.5 metres along the access 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.
11. Any vehicular entrance gates installed within the application site shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
12. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Reasons

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

satisfactory development.

3. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to the natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In the interests of highway safety and to protect the amenities of the occupants of neighbouring properties in accordance with Policy DM13 of the Powys Local Development Plan (2018).
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).

Informative Notes

Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular

access works.

- a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
 3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
 4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Biodiversity

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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

Case Officer: Luke Woosnam, Planner
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