

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 23/1531/OUT

Grid Ref: E: 314741
N: 235365

Community Council: Bronllys Community

Valid Date: 06.11.2023

Applicant: Mr & Mrs D & S McCarthy

Location: Land Known as Caemawdy Slough, Bronllys, Brecon, Powys, LD3 0LH

Proposal: Outline: Erection of an affordable dwelling, creation of access, installation of treatment plant and all associated works (some matters reserved)

Application Type: Outline planning

Reason for Committee determination

The Local Member has exercised their call-in powers.

Consultee Responses

Consultee

Received

Ward Councillor

17th Nov 2023

Thank you for the note, it is appreciated. There is a good deal of public controversy regarding this application as I expect you will know from your discussions.

I believe this is sufficient reason to Call-In the application for scrutiny by a full Planning Committee. I am here to try to serve the entire community of the Ward and believe that I would be derelict in my obligations if I did not get a publicly visible resolution on this matter. I trust you will understand my position. No criticism of the Planning Department is implied, far from it.

Regarding a planning reason, I refer you to section 19.51 of the Planning Protocol.

19.51 A Councillor (whether a member of the Planning Committee or not) may:

19.51.1 in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request, that such Planning Application which ordinarily would be determined by the Professional Lead - Planning will be determined by the Planning

Committee and in this Protocol a Councillor making such a request will be referred to as exercising "the power of Call-in".

19.51.2 in respect of a planning application in their electoral division, or which affect their electoral division, where they believe that application is likely to be controversial, exercise the power of Call-in, but may withdraw that Call-in in accordance with Rules 19.57

If I read this correctly 19.51.2 provides me with sufficient reason to Call-in the application.

In our well-founded rules-based system I fully understand why a refusal would be recommended. Indeed, that might still be the outcome. However, given all the discussion around this application I consider it necessary to go for Call-in even if that might result in some delay in other activities.

Community Council

29th Nov 2023

Bronllys Community Council have no objections to this application and see no detriment to the village.

PCC-Ecologist

No written response received.

Welsh Water

29th Nov 2023

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

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

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.

Welsh Water/Dwr Cymru

18th Dec 2023

Since the proposal intends on utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.'

There is public sewers showing approximately 300m south west of the proposed development which would be a suitable point of connection, but given the distance and significant amount of highway that would need excavating to run new pipework this may not be the most feasible option for a single dwelling.

If the proposal changes to a proposed connection to the public sewer please formally re-consult us and we would be happy to provide an amended response to suit the changes.

PCC-(S) Highways

7th Dec 2023

The County Council as Highway Authority for the County Class III Highway, C0068

Wish the following recommendations/Observations be applied

Thank you for consulting the Highway Authority on this matter.

It is recommended the following highway conditions be included within the decision notice should this application be approved.

Prior to the occupation of the dwelling hereby approved, provision shall be made within the plot for the parking of vehicles as detailed on the approved site plan MKR 02B. The parking area shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Prior to the occupation of the dwelling hereby approved the area of the access to be used by vehicles is to be surfaced in a suitably bound material (minimum 40mm depth) for a distance of 15 metres from the edge of the adjoining carriageway.

Environmental Protection

14th Nov 2023

Due to the proximity of the application to neighbouring properties environmental protection wishes to raise the recommendations of construction-based noise control.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

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

- o 0800-1800 hrs Monday to Friday
- o 0800-1300 hrs Saturday
- o 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."

In terms of foul drainage arrangements, it seems that the adjacent 'Honey Café' has an existing mains sewerage connection. The advice of the sewer undertaker should be sought to establish the feasibility of connecting to the main sewer system. After clarification from the sewer undertaker I can make comment on private drainage arrangements. I request to be reconsulted on this matter if private drainage is deemed to be the option put forward by the undertaker.

Environmental Protection

19th Dec 2023

After reviewing the information provided by Dwr Cymru/ Welsh Water, explaining the distance to the nearest main sewer connection. A private drainage solution is an acceptable option to this office.

To accept a suitable drainage solution the following tasks must be undertaken, in accordance with Document H2 of the Building Regulations and BS 6297:2007 + A1:2008.

- 1) Trial hole to establish ground conditions and depth of water table.
- 2) Provide details of Package Treatment Plant/ Septic Tank (invert level of the effluent pipe will inform percolation test hole depth)
- 3) Undertake percolation tests to establish necessary length and area of infiltration trenches in the drainage field.
- 4) Record results, and fill out Powys Percolation Test form (provided as an attachment).
- 5) Update site plans to show proposed location of drainage field.
- 6) Leave percolation test holes open for inspection.

The currently proposed reed bed would only be considered if a conventional linear drainage field is inappropriate.

As previously included in applications at this site, environmental protection would also like to raise the condition of construction phase noise control due to the proximity of other residential properties.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

“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.”

WG - Highways Directorate

1st Dec 2023

I refer to your consultation of 13/11/2023 regarding the above planning application and advise that the Welsh Government as highway authority for the A479 trunk road directs that any permission granted by your authority shall include the following condition:

No drainage from the development site shall be connected to or allowed to discharge into

the trunk road drainage system, and surface water from the site shall be suitably trapped so that it does not discharge onto the trunk road.

- 1) The above condition is included to maintain the safety and free flow of trunk road traffic.

Natural Resources Wales (Mid Wales)
DPAS

1st Dec 2023

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 13 November 2023.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems'.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as

amended).

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

CPAT

15th Nov 2023

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the works.

Cadw - SAM

No response received.

PCC- (S) Land Drainage

15th Nov 2023

Powys CC Land Drainage have no comments to make on the above application.

However, Powys SAB would like to make the following comment:

o As the site area is over 100m², SAB approval will be required for the development. Please contact sab@powys.gov.uk for more information.

PCC-Affordable Housing Officer

14th Nov 2023

Below is a summary of registered housing need for affordable housing.

Powys Common Housing Register for Social Housing and Tai Teg
Bronllys – November 2023

1. Summary
households' 1st choice: 19
households' 2nd or subsequent choice: 229
households with a local connection: 66

2. Housing Need and Demand
Band 1, 2 and 3: Households that are in housing need.
Band 4: Households that are not in housing need, but would like to move.
Band 5: Households with and without housing need, but not ready to move.

Number of bedrooms is average of minimum and maximum number of bedrooms required according common allocation policy. Totals may differ due to rounding.

Households registered with Bronllys as first preferred choice.

1 st choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	2	5	1	0	0	7
Band 4	7	3	1	1	0	11
Band 5	0	0	1	0	0	1
Total	9	8	3	1	0	19

Households registered with Bronllys as second or subsequent preferred choice.

2 nd choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	28	30	9	4	0	70
Band 4	57	31	17	11	4	120
Band 5	23	12	3	1	1	39
Total	107	73	29	16	5	229

Households registered with Bronllys as a preferred choice (both tables above combined).

1 st or sub choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	29	35	10	4	0	77
Band 4	64	34	18	12	4	131
Band 5	23	12	4	1	1	40
Total	116	80	31	17	5	248

Tai Teg Register for Affordable Housing, but not Social Housing
Approved households with a preference for Bronllys Community Council area and adjoining council areas.

	1-bed	2-bed	3-bed	≥4-bed	Total
interm rent	1			1	2
both	1	1	1		3
purchase		2	6	1	9
Total	2	3	7	2	14

Purchase can include Self Build, Shared Ownership/Equity or Discounted S106 Properties
intermediate rent is up to 80% of market rent, but is capped at Local Housing Allowance.
Many households in need of affordable housing will not register with Tai Teg until a home becomes potentially available to them.

More information about the common housing register "Homes in Powys" is available on the website www.homesinpowys.org.uk.

More information about the "Tai Teg" register is available on their website <https://taiteg.org.uk>.

Space requirements

Planning Policy Wales Edition 11, section 2.4.29 states:

"All affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government's development quality standards."

The standards are set out in the Welsh Development Quality Requirements 2021 states:

"New affordable homes delivered through planning agreements (under section 106 of the Town and Country Planning Act 1990) and planning conditions will be required to meet the Appendix A and Appendix B "space requirements" for agreements entered into after 01 October 2021.

The standards are published here

<https://www.gov.wales/sites/default/files/publications/2021-08/development-quality-requirements-for-housing-associations.pdf>

The table below is part of the standards.

Appendix B

Floor Areas

Home Designation	Home Type	Gross Internal (floor) Area (GIA) m ²	General Storage m ² (included in GIA)
7P4B	2 Storey House	114	3
6P4B	2 Storey House	110	3
5P3B	2 Storey House	93	2.5
4P3B	2 Storey House	88	2.5
4P2B	2 Storey House	83	2.5
3P2B	2 Storey House	74	2
3P2B	Bungalow	58	2
3P2B	Flat – Walk up	65	2
3P2B	Flat – Common access	58	2
2P1B	Flat – Walk up	53	1.5
2P1B	Flat – Common access	50	1.5

Provided that designs do not compromise the quality of homes intended to be delivered by this standard, a reduction of up to 5% of the above GIA may be applied.

House occupancy, designated by persons, bedrooms and type (F - Flat, B -Bungalow, H - House)

Other comments

Affordable housing for sale and intermediate rent can be marketed through Tai Teg

Representations

Following the display of a site notice on 14th November 2023, one public representation of objection has been received and is summarised as follows:

The proposed development would be in proximity to a registered apiary of some colonies that has been established for 150 years.

Planning History

App Ref	Description	Decision	Date
21/1711/FUL	Application for a new joinery workshop (B1).	Approve	13th Apr 2023
23/1154/DIS	Discharge of condition 8 and 11 of planning approval 21/1711/FUL	Approve	18th Sep 2023

Principal Planning Constraints

Historic Landscapes Register Middle Wye Valley
Phosphorous Sensitive Welsh Rivers
SAC Catchment Area

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
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable		National Policy

Rural Communities

TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
H6	Affordable Housing Exception Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026

DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	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
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
TAN15	Development and Flood Risk	National Policy

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

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

This application has been considered 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.

Site location and description

Land known as Caemawdy Slough is an agricultural field on the north-eastern side of the village of Bronllys. Agricultural land is located to the west and north-west and across the road to the east and south-east. To the south is a small field and the Honey Café complex. The site is accessed by the C0068 class III highway which is a spur to the Honey Café and is a no through road (having formally been the A479 trunk road which was realigned). Planning permission was granted under reference 21/1711/FUL for a new joinery workshop (B1) on land to the north-east of the application site.

The application seeks outline consent for the construction of an affordable dwelling, creation of access, installation of treatment plant and all associated works. Access is to be considered at the outline stage with appearance, landscaping, layout and scale reserved matters for consideration at a later date via a further application.

Members are advised that an enforcement notice has been served upon the applicants relating to the application site for the following alleged breach of planning control:

‘Without planning permission, the change of use of land from agricultural to mixed use land for residential and agricultural, the erection of a new building, construction of a new track and an earth bund’.

An appeal against the enforcement notice has been lodged with Planning and Environment Decisions Wales (PEDW). The planning application states that the site currently houses temporary residential accommodation for the applicants so that they can work the site in a secure and efficient manner. The wider area of land is stated to be used for development of a pedigree sheep flock and the carpentry/kitchen business which the workshop granted under planning permission 21/1711/FUL is connected with.

Principle

The site is located outside of the development boundary of Bronllys, with the closest part of the development boundary located approximately 119 metres from the site in a south-westerly direction. Bronllys is classified as a large village by the Powys Local Development Plan (LDP). LDP Policy H1 supports housing development proposals relating to large villages on sites allocated for housing or on other suitable sites within the development boundary; or on sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6. Policy H1 identifies suitable locations for new housing within the settlement hierarchy to support the delivery of a sustainable pattern of development. The supporting text to Policy H6 also states:

“4.6.19 Policy H6 is a traditional exception site policy which allows the development of sites for 100% affordable housing to meet local needs in locations not normally acceptable for residential development in accordance with PPW and TAN ...sites adjacent to Towns and Large Villages are likely to be suited to accommodating the larger affordable housing schemes and therefore these sites are reserved for development by Registered Social Landlords, or equivalent organisations, or the Strategic Housing Authority. Single unit developments by individuals will not be acceptable in these locations”. This will usually mean that proposals for affordable housing developments on exception sites in these settlements would be expected to be for more than 5 units.

Whilst the site is located adjacent to the Honey Café complex and the site of the workshop approved under permission 21/1711/FUL and is capable of connecting to some of the existing infrastructure serving the settlement (roads and footways but not the public sewerage system), it is located within the open countryside and is physically detached from the development boundary of Bronllys. It is also noted that within the officer's report for planning permission 21/1711/FUL it is stated 'although it is not within or immediately adjoining the formal settlement of Bronllys, it is a site that could be considered part of the wider Bronllys community'. However, given the visual separation and distance from the development boundary, it is considered that the site is poorly related to the built form of the settlement within the development boundary.

In terms of the need for affordable housing in the locality, the Housing Department has provided information from the Housing Register that demonstrates there is a demand for social rented housing in the community council area and the type and tenure of affordable housing required. However, the application proposes a dwelling for private individuals to meet a specific identified local need and as such the Planning Authority is required to assess the initial occupants' eligibility.

The submission includes a personal statement with information regarding the need of the proposed occupiers including information regarding where the applicants were brought up, their property history and personal family circumstances, involvement with the local community etc. Whilst the content of the statement is noted, it is not considered to meet the requirements of the Affordable Housing SPG to enable an assessment of the stated local need. In order to be eligible for affordable housing, the Affordable Housing SPG advises that it must be demonstrated that the proposed

occupiers are not able to afford market housing, i.e. an assessment of the financial and personal circumstances of the proposed occupiers. The SPG further advises that to support a planning application, applicants or prospective occupiers are encouraged to register on the Common Housing Register or the Affordable Housing Register hosted by Tai Teg, as this will involve an assessment of their circumstances and will confirm their eligibility to occupy a particular dwelling/tenure. This will also enable occupiers to search for existing affordable housing in the local area that they may be eligible for.

Given that the applicants have not provided evidence that they have been assessed by Tai Teg, the proposed development is contrary to LDP Policies H1 and H6 and the Affordable Housing SPG.

The application also indicates that a dwelling is required at the site to provide 24/7 care to the pedigree sheep flock of 20 ewes and 3 rams and to support the development of the carpentry/kitchen business for which the workshop approved under planning permission 21/1711/FUL relates. The application includes some information regarding both enterprises, which is noted. Whilst the agricultural enterprise qualifies as a rural enterprise within TAN6, the application is not supported by the full details required by TAN6 and the associated practice guidance (details of functional need, labour requirements, financial details etc). The carpentry business is not considered to be a qualifying rural enterprise.

The submission puts forward the case that whilst the proposed development may not fully comply with an identifiable planning policy, it complies with the wider aspirations of the LDP and the thrust of planning policy in general. As such, it is stated that in appreciating all the contributing factors, the Planning Authority can come to a balanced view which is not considered to be an unjustified or detrimental departure from the adopted LDP. This position and the contents of the submission have been carefully considered, however, given the discussion above in relation to the requirements of planning policy for large villages and given the lack of information relating to the rural enterprise, on balance, it is concluded that the development is contrary to LDP Policies SP1, SP3, SP5, SP6, H1 and H6, the Affordable Housing SPG, Technical Advice Note 6 and Planning Policy Wales.

Plot size and density

The plot size/curtilage of the proposed dwelling is also relevant to future affordability as this will become the residential curtilage of the dwelling and therefore will influence the value of the property. Given the minimum density of development expected on sites in Towns and Large Villages (in line with Policy H4) the curtilages of affordable housing, either as part of development sites or as exceptions, is limited to approximately no more than 0.04 ha or 400 square metres. The application site area is 0.19ha and therefore exceeds the guidance contained within the Affordable Housing SPG and does not comply with the density guidelines set out in LDP Policy H4.

Design and landscape impact

The site slopes gradually to the north-west with a plateau in the north-west with the land falling away afterwards. The site is bound by hedgerows/interspersed trees, particularly along the south-western and south-eastern boundaries. It may be possible to view the site from the A479 trunk road, although there is a good level of roadside screening and the site may be visible from the class III highway and surrounding properties, including the Honey Café complex and public rights of way in the locality. Given that the site is outside of any settlement boundary, the site is considered sensitive in landscape terms and it is also approximately 460m away from the Bannau Brycheiniog National Park boundary.

The submission indicates that the dwelling would be a sustainable, energy efficient dwelling with a footprint, including covered terrace and overhanging roofs would be a maximum of 24m wide by 10m deep and 4.2m high. Minimum sizes would be 15m wide by 9m deep and 3.6m in height. The gross internal floorspace of the dwelling has not been indicated, however a condition could be used to ensure that it would not exceed 115 square metres, in compliance with the guidance set out within the Affordable Housing SPG. In addition, permitted development rights for extensions etc could be removed by condition, if approval was recommended.

The indicative site plan shows a rectangular footprint, in-roof solar panels and a wildflower meadow roof. The design statement which accompanies the application provides an indicative design of a building based on an agricultural design, reflecting a portal frame byre with overhanging roof to obscure the domestic features which would be recessed. A wildflower meadow is indicated on land adjacent to the dwelling, an area of hard landscaping, compacted hardcore parking spaces (3no.), turning area and access drive. Tree planting is proposed outside the application site on land within the ownership of the applicants to the east, along the access road to the commercial building and adjacent to the parking area within the site itself.

However, it is appreciated that appearance, layout, scale and landscaping are reserved for future consideration, therefore the consideration within this application is whether the site can accommodate a dwelling without having an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

The characteristics and qualities of the Powys landscape at this location are recorded in the LANDMAP system as follows:

Visual and Sensory aspect area - Moderate
Geological Landscape aspect area - Moderate
Landscape Habitat aspect area - Moderate
Historic Landscape aspect area - Outstanding
Cultural Landscape aspect area – Moderate

In addition, the site is located within the Middle Wye Registered Historic Landscape.

It is considered that although the site is within the open countryside, it is also within an area of sporadic development both to the west towards Bronllys, and to the east along the A479. In addition, planning permission has been granted under reference 21/1711/FUL for a workshop building. The indicative layout shows that the dwelling would be located on the south-western side of the field and the south-western and south-western aspects are screened hedgerows/interspersed trees. There are more open views to the north and north-west. Additional landscape planting is proposed and welcomed and could be further increased at reserved matters stage. In addition to this, the indicative design of the proposal is as an agricultural building which assists with integration into the landscape.

Overall, whilst the site is relatively sensitive, being outside of a development boundary and within a historic landscape area classified as outstanding by the LANDMAP system and within the Registered Historic Landscape, it is considered that the general grouping with the approved workshop and Honey Café complex means that the development can be satisfactorily integrated into the landscape.

Amenities enjoyed by occupants of neighbouring properties

The site is located approximately 30m from the nearest neighbouring property and the dwelling is indicated to be sited approximately 60m distant. Given the distance involved and that the final layout could achieve the privacy and overlooking guidelines contained within the Residential Design SPG, it is considered that the amenities enjoyed by occupants of neighbouring properties would not be unacceptably affected by the proposed development. Environmental Protection have recommended that construction hours are controlled via condition which would be included if approval was recommended.

Access

Access would be gained via the class III highway and private road. The Highway Authority have not objected to the proposed development, subject to the use of conditions regarding parking provision and surfacing of the access. Parking provision could be considered at the reserved matters stage as a layout consideration, however the condition regarding surfacing is considered appropriate. The class III highway connects onto the A479 trunk road and Welsh Government Department for Economy and Infrastructure have directed that any permission granted is subject to a condition to prevent surface water from the site discharging into or onto the trunk road system.

Given the comments received from the consultees, it is considered that the proposed development would be served by an appropriate means of access, subject to the use of conditions.

Natural environment

- Protected species

The development would affect grassland which is considered to hold a low ecological value. No impacts upon hedgerows or trees are expected. External lighting could be controlled via condition. Therefore, the proposed development is not considered to have an unacceptable adverse impact upon protected species.

The public response has referred to the potential impact upon an existing apiary of a honey bee colony. The Council's Ecologist has verbally advised that honey bees are not legally protected but they are endangered. The Ecologist has also advised that the main adverse impact is loss of habitat. Given that there would appear to be no loss of habitat arising from the development and that planting of a wildflower field and roof is indicated, it is considered that there would be scope at the reserved matters stage to address this matter.

- Protected sites

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW's current planning advice, it is necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the potential for additional phosphate associated with foul drainage to enter the River Wye SAC catchment.

Dwr Cymru have confirmed that the site is located in an unsewered area and the Case Officer has checked Dwr Cymru's online system which indicates that the nearest public sewer is approximately 300m distant. As such, it is proposed to install a new private foul drainage system; a new package treatment plant. Percolation test results and details of the package treatment plant have not been submitted and therefore insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the proposed development upon the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), in relation to phosphate inputs. Therefore, a significant effect upon the SAC cannot be ruled out, and the development is contrary to the requirements of Planning Policy Wales (Ed.11), TAN 5, LDP Policy DM2, the adopted Biodiversity and Geodiversity SPG.

- Biodiversity enhancement

The submission does not include any specific details of biodiversity enhancement although the indicative wildflower meadow and roof and tree planting are noted and welcomed. If approval was recommended, further detail of biodiversity enhancement could be requested and conditioned as necessary.

- Green infrastructure

As noted above, the proposal would not affect existing trees or hedgerows and given that the application is submitted in outline, further details could be provided in the form of an outline green infrastructure statement if approval was recommended and at the reserved matters stage.

Foul drainage

As discussed above, insufficient information has been received to enable the Council's Environmental Protection section to assess the details and provide comments. Therefore, it is unknown whether the proposed foul drainage system would be adequate and would not cause pollution problems.

Supporting digital communication

If approval was recommended, a condition could be included to require the development to make provision for Gigabit capable broadband infrastructure as required by Policy 13 of Future Wales.

Loss of agricultural land

The proposed development site would be sited on an area of agricultural land. The Welsh Government's Predictive Agricultural Land Classification Map indicates that the area of the application site is graded as 2 (good quality agricultural land).

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states that:

“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”

Paragraph 3.59 of PPW (Ed. 11) further states that;

“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”

No information accompanies the application to address this matter and given that the dwelling is considered unjustified at this location, it is not considered that there is an overriding reason to outweigh the agricultural consideration.

Placemaking and Wellbeing Goals

Planning Policy Wales has been amended following the introduction of Well-being of

Future Generations Act. PPW plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being.

PPW also promotes placemaking and states the following;

Productive and Enterprising places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

The key principles for ensuring 'Right Development in the Right Place' according to PPW are as follows;

- i. Growing our economy in a sustainable manner – the planning system should enable development which contributed to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services.
- ii. Making the best use of resources - The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.
- iii. Facilitating accessible and healthy environments - Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.
- iv. Creating and sustaining communities - The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density,

- making places where people want to be and interact with others.
- v. Maximising environmental protection and limiting environmental impact - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest.

PPW provides guidance on the national sustainable placemaking outcomes and their relationship to PPW themes and Well-being Goals. It is considered that the proposed development contrary in accordance with both the placemaking and well-being goals on the following grounds:

- The development is located close to existing transport networks.
- The impact upon communities and local residents is considered acceptable.
- Impact upon the environment is acceptable.

However, the development is not in accordance with the placemaking and well-being goals on the following ground:

- The development would not provide residential accommodation for an identified need within a sustainable location within or adjoining or as a logical extension to a development boundary.

Climate Change

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050 with interim targets set for 2020, 2030 and 2040. Welsh Government also have a legal commitment to net zero by 2050 and an ambition to achieve this sooner if possible. There are two parts to the issue of climate change within planning, these being the extent a development contributes towards the generation greenhouse gasses and the extent a development has considered and adopted means to make the operation resilient to the effects of climate change.

Whilst it is accepted that that the proposal is likely to make some contribution to greenhouse gas emissions during construction and use, as do many operations and developments, however, this does not in itself mean that it is unacceptable and does not provide a full picture of the issue. As it currently stands there are no specific planning policy requirements that dictate a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state that residential development should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

RECOMMENDATION

Whilst the supporting information accompanying the application is noted, it is considered overall that the proposed development does not comply with the relevant local and national policies and guidance in terms of the location of the proposed affordable dwelling, evidence of compliance with the affordability criteria, density guidelines, rural enterprise dwellings, the loss of agricultural land, foul drainage and impact upon the River Wye SAC. The recommendation is therefore one of refusal for the reasons set out below.

Reasons

1. The proposed development is outside of the development boundary of Bronllys and does not form a logical extension to Bronllys. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies SP1, SP3, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018).
2. Insufficient information has been submitted to enable an assessment of the stated local need. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018).
3. The application site area is 0.19ha and therefore exceeds the guidance contained within Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018) and is contrary to the density guidelines set out in Policy H4 of the Powys Local Development Plan (2011-2026).
4. Insufficient information has been submitted to demonstrate that the development would comply with the rural enterprise dwelling criteria set out within Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Practice Guidance Rural Enterprise Dwellings - Technical Advice Note 6 Planning for Sustainable Rural Communities (2011). Therefore, the development is considered unjustified and unsustainable development contrary to Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Policies SP1, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026).
5. Insufficient information has been submitted to demonstrate that the proposed development would be served by an adequate means of foul drainage. Therefore, the proposed development is contrary to Planning Policy Wales

(Edition 11, 2021), Policy DM13 of the Powys Local Development Plan (2011-2026) and Welsh Government Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018).

6. Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the proposed development upon the River Wye Special Area of Conservation (SAC), in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), in relation to phosphate inputs. Therefore, a significant effect upon the SAC cannot be ruled out, and the development is contrary to the requirements of Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Policy DM2 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018).

7. Insufficient information has been submitted to justify the loss of land graded as the best and most versatile agricultural land (grade 2) by the Predictive Agricultural Land Classification Map 2. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).