

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 24/1012/REM

Grid Ref: E: 302027
N: 293805

Community Council: Caersws Community

Valid Date: 10.07.2024

Applicant: Tyn Y Bryn Farms

Location: Land At Church House Farm, Llanwnog, Caersws, Powys, SY17 5JG

Proposal: Section 73 application to vary condition no. 10 of outline approval P/2017/0368 (drainage details)

Application Type: Removal or Variation of Condition

The reason for Committee determination

The applicant is a close relative of an elected member.

Consultee Responses

Consultee

Received

PCC-(N) Highways

No comments received at the time of writing this report.

Hafren Dyfrdwy

30th Jul 2024

The original submitted 'Amended proposed site plan' (Drawing: 70082 / RJC / 100) shows all surface water is proposed to discharge to 'ground via SuDS compliant drainage scheme'. As it is unclear what 'SuDS compliant scheme' is proposed, but no proposed connection to the public sewerage system for surface water is proposed, we would advise the LPA must ensure they are happy with this proposal and that the SuDS compliant drainage scheme is acceptable.

The update 'Proposed Drainage Plan' Drawing 0334_P_SA_01 shows all foul discharge draining to package treatment plants which do not discharge to a public sewer.

Based upon these proposals I can confirm we have no objections to the drainage related condition remaining discharged.

PCC-Ecologist

No comments received at the time of writing this report.

Environmental Protection- First Response

22nd Jul 2024

Thank you for the consultation, it is disappointing that the advice we have provided previously has not been taken on board and we remain in a similar position of having to object to this proposal.

The applicant must connect to the mains sewer, unless it is shown to be unfeasible. Again the applicant has provided no evidence to show that connection is unfeasible.

Welsh Circular 008/2018 states:-

2.3 When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. This should be done in consultation with the Sewerage Undertaker of the area.

The applicant has not provided any evidence to show that they have consulted with Hafren Dyfrdwy in relation to this matter. I would at least expect to see a quote from the sewage undertaker showing the cost of connection and detailing any other evidence showing why connection would be unfeasible. 24/0116/DIS

The circular then goes on to state:-

2.4 If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the planning authority a connection to a public sewer is not feasible, a package sewage treatment plant should be considered.

The applicant has jumped straight to installation of multiple PTP's without provision of evidence for above. Notwithstanding the lack of evidence in relation to connection to the mains sewer there are a number of concerns in relation to the proposed strategy. The percolation tests as shown in the photograph were undertaken previously as part of The Townsend Water Engineering Ltd report, I am unclear as to why they have been

resubmitted as being undertaken on the 2 July 2024. It is worth noting that The Townsend Water Engineering Ltd raised concerns about the proposal to drain to ground given the size of the soakaway required. Also document H states that soakaway trenches must be at least 2m apart, they are shown closer than this on the plan. In addition the exclusion zone from buildings is 15m and 5 m as shown. It is unlikely that a drainage field for foul effluent would work in this area given the concerns above

I look forward to receiving the detail that has been requested

Environmental Protection – Second
Response

1st Aug 2024

Further to the additional information provided I note that the applicant is now proposing private treatment plants to water course which address my concerns about the drainage field raised previously.

Connection to mains sewer remains head of the hierarchy in the circular and must always be the first consideration. Unlike with previous applications I note the applicant has submitted significant evidence and a feasibility study to demonstrate that connection to mains sewer is not feasible and that lower options on the hierarchy are appropriate.

Assessing the feasibility study is outside of my skill set and I will therefore defer that to planning colleagues, providing that planning officers are satisfied that the study has been correctly undertaken then I am happy for my objection to be withdrawn.

PCC-(N) Land Drainage

25th Jul 2024

Thank you for the opportunity to comment on this application (ref: 24/1012/REM).

PCC Land Drainage note that surface water drainage features detailed on the 'previously approved site plan' are no longer included on the 'proposed drainage plan'. No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be drained.

The site is within the Manthrig Brook catchment, where known flooding has occurred downstream in Caersws. Without a surface water drainage design to consider, the LLFA would not be able to support this application.

Recommendation: Surface water drainage details, plans and calculations shall be submitted and approved in writing by the LPA prior to any commencement on site.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

Alternatively, please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

Community Council

No comments received at the time of writing this report.

Representations

Following the display of a site notice, no public representations or objections have been received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
P/2017/0368	Outline: Proposed residential development of up to 5 dwellings, formation of vehicular access and access road and all associated works (all matters reserved)	Consent	5th Oct 2017
20/1512/RES	Reserved matters application for appearance, siting, design, landscaping and access in connection with outline approval of 5 dwellings P/2017/0368	Approved	24/02/2022

23/0722/DIS	Discharge of conditions 5, 10, 13, 14 and 15 of outline planning permission P/2017/0368 (affordable housing, drainage, traffic regulation, tree and hedgerow protection and replacement plan and lighting design scheme)	Split Decision	10/07/2023
23/1218/DIS	Discharge of conditions 10, 14 and 15 of planning approval P/2017/0368 in relation to: Drainage details, Tree and Hedgerow protection and replacement plan	Refused	13/09/2023
23/1781/DIS	Discharge of conditions 10 and 14 of permission P/2017/0368 in relation to drainage and associated works	Withdrawn	25/01/2024
24/0116/DIS	Discharge of condition 10 and 14 of planning approval P/2017/0368 in relation to drainage, tree/hedgerow protection and replacement plans	Approved	23/02/2024

Principal Planning Constraints

Historic Landscapes Register
 Within 50m of Listed Building
 Nat Floodzone 2
 Mineral Safeguarding Sand_Gravel Cat 2

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 12, February 2024)		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable		National Policy

Rural Communities

TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	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
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	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 lies on the western side of Llanwnog, sitting north of the B4568, and south of the cemetery.

The site was originally granted outline consent under planning reference P/2017/0368. This was later followed by reserved matters application 20/1512/RES. The implementation period granted by the permissions expired on the 24th February 2024.

The LPA have received evidence of the implementation of the consent which consisted of stone hardstanding being laid in the area of the access. The LPA are therefore satisfied that, based upon the information currently known to us, the permissions previously granted have become extant.

This application seeks to vary the extant permission by altering the method of foul drainage for the dwellings from main sewer connection to individual private package treatment plants with a joint discharge to watercourse.

Principle of Development

The principle of the development has been established through the previous extant permissions.

Consideration of Proposed Amendment

This application seeks to amend the method of foul drainage from the approved scheme, altering from connecting to the main sewer to instead installing private package treatment plants. The proposed 5 plants, being one for each dwelling, would connect to a joint discharge to watercourse.

Welsh Government Circular 008/2018 states that *“when drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer”*. The Circular then goes on to state that *“If, by*

taking into account the cost and/or practicability, it can be shown to the satisfaction of the planning authority a connection to a public sewer is not feasible, a package sewage treatment plant should be considered.”

The application has been submitted on the basis that the development would be unviable due to the cost of connecting to the main sewer, and that by installing package treatment plants as an alternative, the development would remain viable. A viability assessment supporting this has been submitted with the application, which has been reviewed and found to be acceptable. PCC Environmental Protection have confirmed that they have no objection on this basis.

Consideration of Other Matters

The proposed alterations are not considered to have any impact upon other considerations. The conditions attached to the original consent will therefore be reattached to this consent, noting that where appropriate some will be updated to reflect the progressed scheme.

Whilst Land Drainage comments are noted, these relate to the scheme as a whole, which already benefits from planning consent. SAB approval is outside of the planning remit and is covered by a separate consenting regime. Should it become apparent that changes are required to the planning consent in order to gain SAB approval, it is for the developer to obtain consent from the LPA for these changes also.

RECOMMENDATION

In light of the above, it is recommended that the application be granted consent subject to the below conditions.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be completed as approved under reserved matters application 20/1512/RES.
2. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from [Date of Decision].
3. The development shall be carried out strictly in accordance with the plans stamped as approved on 05/10/2017 in so far as the extent of the application site is drawn, and the access point onto the unclassified highway (drawing no: RPP/RC-JOB59-03).
4. The development shall be carried out strictly in accordance with the affordable housing scheme submitted under planning application reference 23/0772/DIS. The

affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it.

5. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
7. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. The development hereby permitted shall be undertaken in accordance with the foul drainage system as outlined on drawing number 0334_P_SA_01 Rev A.
9. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 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.
10. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. No further development beyond that undertaken in the area of the access in

February 2024 shall be undertaken until a Traffic Regulation Order has been secured by the developer to introduce a reduced speed limit along the B4568. The order must be implemented together with any associated work required by the Order prior to the first use of the access hereby permitted.

12. The development shall be carried out strictly in accordance with the Tree and Hedgerow Protection and Replacement Plan submitted under planning application reference 23/0772/DIS and maintained thereafter.

Reasons

1. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
2. To comply with Section 63 of the Town and Country Planning Act 1990.
3. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
4. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (October 2018), Policies SP1, SP5, SP6 of the Powys Local Development Plan (2018), and Planning Policy Wales (2016).
5. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (October 2018), Policies SP1, SP5, SP6 of the Powys Local Development Plan (2018), and Planning Policy Wales (2016).
6. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, 2024), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 12, 2024) and TAN 12 (Design).
8. To ensure that the development is provided with a satisfactory means of drainage in accordance with Welsh Government Circular 008/2018, Powys Local Development Plan Policy DM13 and Planning Policy Wales (Edition 12).
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
10. In the interests of highway safety and in accordance with the provisions of Powys

LDP Policies T1 and DM13 (Criterion 10), and TAN 18.

11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.

12. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, 2024), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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