

# 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

## Report Update

This report forms an update to the previous report circulated to Members

## Consultee Responses

No further consultee responses have been received.

## Planning History

No further planning history has been identified.

## 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		National Policy

(Edition 12, February 2024)

TAN2	Planning and Affordable Housing	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Communities	National Policy
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 Developments Within	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
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

### **Other Legislative Considerations**

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

### **Officer Appraisal**

#### Public Representations

Following the circulation of the agenda, 1 public representation has been received in relation to this development. This raises concerns with the reliability of the percolation test results which have been submitted.

Whilst this is noted, the application as amended proposes the foul drainage to discharge to watercourse, and not to ground. As such, the percolation test results are not of relevancy to the proposal. Environmental Protection have been consulted on the development and have confirmed that they have no objection to this.

### **RECOMMENDATION**

The recommendation remains one of approval, subject to conditions which are included below for reference:

#### **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.