

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0953	Grid Ref:	324093.02 302462.76
Community Council:	Forden with Leighton and Trelystan	Valid Date:	Officer: 10/11/2016 Louise Evans
Applicant:	Mr Steve Jennings, Primesave Properties, C/O Agent		
Location:	Land adjacent to Heritage Green, Kingswood, Forden, Powys, SY218LH		
Proposal:	Application for outline planning permission for a residential development and formation of new access with some matters reserved.		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is recommended for approval and is a departure from the development plan.

Site Location and Description

The site is approximately 0.83Ha in size and is located within the centre of the settlement of Kingswood, Forden, approximately 4 miles to the south of Welshpool.

The site itself is currently agricultural/horticultural land made up of two fields separated by an outgrown hedge line. The site is bordered on three sides by existing residential development and to the south east by the Offa's Dyke scheduled ancient monument which is also a national trail. Further to the south east is additional residential development.

The application is an outline application, with access and layout to be considered at this stage, for the development for 23 new dwellings. The applicant proposes that 20% of the new dwellings will be affordable. The proposed mix of housing is made up of 6 x 2 bedroom properties, 12 x 3 bedroom properties and 5 x 4 bedroom properties. The indicative scales indicate that the properties will have floor areas ranging from 62 sq.m to 141.75 sq.m.

Consultee Response

Forden with Leighton and Trelystan Community Council

The councillors have no objection to an outline application in principle for the proposed site however to support any development it would be prudent to have had sight of a full application.

There would be concerns relating to the density of the number of dwellings due to access limitations onto the Leighton Road and a need for traffic calming measures to be implemented to serve additional traffic through Heritage Green. The current play area in Heritage Green would not be suitable to serve additional housing stock and additional

facilities along with a community benefit for the village would also be advantageous. There would also be concerns relating to infrastructure as current services appear to be at capacity.

A need for affordable housing should also be considered in any proposed development.

Powys Highways

I have no objection in principle to the development, however in order to comply with Section 38 requirements then I will require modifications to the layout. For example, visibility splays to the side roads, footways, communal turning heads at the termination of the adoptable roads, traffic calming within the new estate road and off street parking spaces.

Please advise whether we ask for revised drawings now to take into account the above points.

Powys Building Control

Building Regulations application required.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GIs and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to persons (either direct labour or contractors) working for you on or near the apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Powys Environmental Health

I have no objection to the application, but due to the proximity of existing residential properties I would recommend the following conditions to apply to the construction-phase of development in order for the protection of amenity:

Noise

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.

Dust

A dust management plan must be submitted to and approved by the local planning authority prior to the commencement of development.

NRW

First response:

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – Bats: The operational phase of the development complies with the bat conservation management measures described in the bat report.

European Protected Species - Bats

We note that the bat report submitted in support of the above application (Phase 1 Environmental Appraisal and Phase 2 surveys for bats, dated August 2016 by Greenscape Environmental Ltd) has identified that bats are present at the application site. From the information contained in the bat report, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning (2015)*'.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,

- iii. The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. Also, because the development represents a lower risk to bats in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We recommend all avoidance measures described in the bat report are set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Condition 1 – Bats: The operational phase of the development complies with the bat conservation management measures described in the bat report.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that takes account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance measures described in the revised bat report. If, in light of modifications, it was no longer possible to avoid harming or disturbing the bats or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects.

Flood Risk

The proposal is located outside of DAM C2 of the Development Advice Maps referred to under TAN15 Development and Flood Risk (2004).

The proposal should be subject to further consideration by the LLFA and the applicant's consultant to establish that if any surface water drainage from this site is to be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) then that such discharge will not cause or exacerbate any flooding in this catchment. We advise that a Flood Consequence Assessment should be undertaken as the proposal is for more than 10 dwellings.

According to risk maps there is a perceived risk of surface water flooding in the area so ensuring drainage is controlled at source thus improving the local drainage situation should

be given appropriate consideration. Potential for above ground options need to be considered prior to finalisation of the proposed layout

Wherever practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into the design.

Vale of Montgomeryshire Historic Landscape Area

The proposal is located very near to the edge of the Vale of Montgomery Landscape of Outstanding Historic Interest. The site is part of an existing settlement and contained visually by mature trees, the majority of which are to be retained. It would be good practice for the design of the buildings to reflect the character of the locality and take account of local design guidance.

Foul Drainage

The Design and Access Statement states that foul and surface water drainage can be provided. When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Second response:

Following a conversation from the development flood risk team I now need to clarify the advice given for the above proposal.

The proposal site is not at flood risk from a main river, the lead local flood authority need to consider surface water drainage in more detail. NRW does not require an FCA, the LLFA would find an FCA that considers surface water strategy/drainage to be useful in making their assessment.

Cadw Ancient Monuments

Thank you for your letter of 22 November 2016 inviting our comments on the planning application for the proposed development as described above.

The statutory role of Historic Environment Service (Cadw) in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60196, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

The proposed development is located within the vicinity of the scheduled monuments known as Offa's Dyke: Section W of Court House Farm (MG 138).

This application is for a residential development of 23 dwellings of various plans and sizes occupying a pair of pasture fields surrounded on three sides (south, west and north) by modern housing developments and to the south east bounded by scheduled monument MG138, a denuded but otherwise well-preserved section of the famous early medieval boundary monument Offa's Dyke. This comprises a broad upstanding bank and intermittent traces of its silted but still substantial north-western ditch within the field in which the dwellings are to be constructed.

The submitted plans show five houses ranged along the access road along the southern boundary of the development site, their gardens backing onto the scheduled area of MG138 where there is currently a dilapidated fence line separating the monument from the rest of the field. This extrapolates the layout and relationship to the Dyke of the existing estate to the south-west, access to the proposed development being via an extension of the present Heritage Green road. The applicants have submitted a heritage assessment which addresses potential impacts on MG138; this issue is also addressed in the Design and Access Statement (DAS). Cadw's regional inspector also met with the applicants on site in January 2016. The following advice is based on the above listed documents, the Inspector's assessment of the site during this visit and our own mapping and records.

The proposed development will have no direct physical impact on MG13S, the applicants proposing a buffer zone between the development and the scheduled area to ensure that this

is the case. However potential impacts on the setting of the monument should also be taken into consideration.

This stretch of Offa's Dyke faces across rising ground to the north-west, the proposed development site presenting a gap of approximately 50m in almost 200m of modern development in this direction. Further individual dwellings and their rear boundaries run parallel with the Dyke to the south-east, the monument effectively being enclosed in most directions. To this end, we consider that the statement on p16 of the DAS that it was agreed on site that the development of this open space would have 'no adverse impact' on the monument is incorrect. It was instead agreed that whilst there would clearly be an adverse impact on the setting of the monument, the setting of the Dyke in this particular location has already been heavily compromised and in our view is of less significance than the archaeological amenity of the monument. To conclude, the proposed development is, in our opinion, likely to have a moderate adverse impact on the setting of this section of Offa's Dyke but this impact could be reduced by simple adjustments to the layout of this part of the development, one of which was raised in the application:

The 'buffer' between the north-western edge of the scheduled area of MG13B and the rear boundary of the proposed properties was raised in the application and discussed at the pre-application site meeting and is noted in the DAS, but needs to be more clearly defined by the applicant. We understand that this buffer will be from the edge of the scheduled area and not the present fence line which falls several metres within it. We would require confirmation of this and will on request provide accurate mapping to the applicant showing the scheduled area. We would also need to approve details of rear boundaries to the houses, which the DAS suggests will be hedges, which will create a softer edge to the development when viewed from the monument.

In addition, we note that a proposed open space is included in the Development Plan at the north-eastern end of the site; this was not raised at the pre-application meeting. The re-allocation of some of this space to the rear of the proposed properties running parallel with the Dyke would enable a buffer of 5m from the edge of the scheduled area, which would avoid future encroachment, as has been the case elsewhere in Kingswood. Also suggested at the pre-application meeting but not included in this application was the possibility of removing the existing boundary fence running along the North West edge of the Dyke, leaving the monument as an open space to be maintained by grazing, as is the case to the south-west. Consequently we suggest that your council put these adjustments to the applicant and re-consult us accordingly.

CPAT

Thank you for the consultation on this application.

Subsequent to our pre-planning involvement with this application I was pleased to see that the applicants have moved the application boundary on the SE side to avoid direct impacts with the scheduled monument. This was also agreed with Cadw at a prior meeting. If the applicants have not already done so it would be worth them contacting Cadw again with the new plans to confirm that the agreed buffer with the scheduled monument on the south east side is adequate. There will inevitably be a setting impact, but Cadw agreed that the setting is already locally and heavily compromised here with development surrounding the monument on all sides.

Subject to Cadw's agreement with the layout of the site we would have no objection to this development. The applicants will need to agree the marking out of the buffer zone boundary with Cadw as this lies on the boundary of the scheduled monument, which extends slightly into the field at this location. No vehicle access, materials dumping or ground disturbance should take place within this buffer zone.

Ancient Monuments Society

Thank you for consulting us on this application. We do not wish to offer comment.

Despite its name, the Ancient Monuments Society (AMS) does not concern itself with archaeology, but rather with historic buildings of all types and ages.

Offas Dyke Association

No response received.

Cllr Corfield – Local Member

There are several concerns which I would like to make in respect of application P/2016/0953, the first one being the number of additional traffic movements which will be generated from an additional 23 dwellings, all of which will travel through the existing Heritage Green development, this will have an impact on the amenity of the existing residents not only in terms of noise, but most importantly the safety of children in Heritage Green.

Residents also have concerns regarding highway safety at the junction of Heritage Green where it joins the Leighton Road. Great care needs to be taken at this point when egressing from Heritage Green. Looking to the left towards The Cock Hotel, visibility distance is not very far to the brow. Looking to the right visibility can be obscured by parked vehicles. The BT telephone exchange is nearby and personnel are often in attendance at the exchange and there is nowhere but the road to park on. There have been a number of accidents in this area over the years.

The current play area servicing Heritage Green is sufficient for existing houses, but would not be sufficient for additional. There is a history of the existing play area attracting young people from elsewhere in the village, which has resulted in older youngsters congregating and kicking footballs etc., which has caused damage in some gardens and cars being hit by balls. This has resulted in numerous complaints to the Community Council and two site visits by Community Councillors to Heritage Green to meet with residents to try and resolve the issue for and between residents.

Representations

11 representations have been received in objection to the scheme.
The grounds of objection are summarised below:

Highway safety

- Additional traffic along heritage green will impact highway safety and numbers estimated within the application have been underestimated
- The additional traffic will make road conditions worse along Heritage Green.
- Impact on safety for the play area which is adjacent to the highway
- Parking of construction vehicles should be within the development
- Visibility to the right out of heritage green is restricted
- Difficult turn at A490/B4388 junction

Design

- Not in keeping with existing development
- High density – too many semi-detached not enough detached properties
- Affordable housing will affect values of other dwellings in the vicinity

Concerns over amenity

- Construction working should be limited so that amenity is not unduly affected.
- Privacy
- Daylight
- Noise
- Maintenance of boundaries
- Control over extensions/maintenance

Other matters raised

- Owls and bats seen in the hedges
- Concerns over the capacity of the local school
- Existing facilities will not be adequate
- Content of application queried
- Houses not selling, is there a need for more?
- Concerns over the proposed contractor who has a poor record.

Planning History

No history

Principal Planning Constraints

Airport

Principal Planning policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note 1 - Joint Housing Land Availability Study (2015)

Technical Advice Note 2 - Planning and Affordable Housing (2006)

Technical Advice Note 5 - Nature Conservation and Planning (2009)

Technical Advice Note 12 - Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 - Economic Development (2014)

Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology

Local Planning Policy

Unitary Development Plan for Powys (2010)

UDP SP2 - Strategic Settlement Hierarchy
UDP SP3 - Natural, Historic and Built Environment
UDP SP4 - Economic Development and
UDP SP5 - Housing Development
UDP SP6 - Development and Transport
UDP SP9 – Local Community Services and Facilities
UDP GP1 - Development Control
UDP GP2 – Planning Obligations
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP ENV18 – Development Proposals Affecting Archaeological Sites
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Development
UDP HP6 - Dwellings in the Open Countryside
UDP HP7 - Affordable Housing within Settlements
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
UDP CS3 – Additional Demand for Community Facilities
UDP T2 - Traffic Management
UDP TR2 - Tourist Attractions and Development Areas
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 - Mains Sewerage Treatment
UDP DC13 - Surface Water Drainage

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

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

Members are advised to consider this application 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. For the avoidance of doubt, the development plan in this instance is the Powys Unitary Development Plan 2001-2016.

Outline Application

The application is for outline consent with access and layout to be considered at this stage. Should permission be granted, reserved matters (appearance, landscaping and scale) will form separate applications for consideration at a later date. The plans to be considered in relation to this application are:

Location Plan
Indicative site layout plan SK01
General Arrangements Plan HG-GA-200
Proposed Levels and Kerbing Plan HG-PL-201
Longitudinal Sections HG-LS-202
Drainage Details HG-DD-203
Road Construction Details HG-RC-204

Principle of Development

The proposed development lies wholly outside the settlement boundary of Kingswood, as detailed on inset map M143, and would result in up to 23 dwellings being constructed outside the settlement boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and this states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.*' Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policies HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys does need to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP as well as national policy, in order for a balanced view to be made on the acceptability of the development overall.

Sustainable Location

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Kingswood is considered a large village in the UDP. Whilst large villages do not have as wide a range of services and facilities as the area centres or key settlements, they normally have a number of local services to serve the local community. Furthermore, the settlement of Kingswood is closely related to Forden which is allocated as a small village within the UDP (inset map 131) and the settlements are linked by a pavement.

It is noted that the settlements contain the following services: primary school, public house, church, two chapels, garage, play area and tennis courts. It is also noted that they are served by two bus routes with regards to public transport.

In light of the above, the site is considered to be a sustainable due to the amenities and services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Consideration has also been given to the scale of the development and the provision of an additional 23 dwellings within Kingswood is not believed to unacceptably exceed the capacity of the settlement.

Affordable housing provision

The Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides an up to date and robust basis for determining the

affordable housing contribution than the now historic “guideline” figure contained within the UDP. The applicant is prepared to accommodate a 20% provision of affordable housing. In light of this, the proposal is considered compliant with the principle of policy HP7.

Impact on historic environment

Listed buildings:

The general duty with regards to listed buildings in exercising planning functions is set out within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in UDP policy ENV14.

There are no listed structures immediately adjoining the development site, the closest listed structures to the site are a mile marker located to the north of the village on the road to Leighton and Edderton Hall located approximately 1 km to the west of the application site and village. Although the presence of these historic assets is acknowledged, the development is not considered to impact the listed structures either directly or indirectly.

Ancient monuments:

The desirability of preserving a scheduled ancient monument and its setting is a material consideration in determining a planning application whether the monument is scheduled or not. This is set out in Planning Policy Wales and Circular 60/96. UDP policies ENV17 and ENV18 also set out this consideration at a local level. Paragraph 17 of Circular 60/96 further states that where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by the proposed development there should be a presumption in favour of the physical preservation in situ i.e. a presumption against proposals which would involve significant alteration, or cause damage, or which would have a significant impact on the setting of visible remains.

Scheduled ancient monument MG138, which is a section west of Court House Farm of Offa's Dyke, is located to the immediate east of the application site. Offa's Dyke is a frontier earthwork (a bank with a west facing ditch) built by Offa, King of Mercia, from 757 to 796AD. It runs, discontinuously, from the Severn to the Dee.

Cadw have confirmed in their response that the proposed development will have no direct physical impact on the scheduled ancient monument as the applicant is proposing a buffer zone between the development and scheduled area to ensure that this is the case. However, with regards to setting, CADW have commented that there would be an adverse impact on the setting of the monument but that the setting of the dyke in this particular location has already been heavily compromised and is of less significance than the archaeological amenity of the monument. Cadw conclude that the development is likely to have a moderate adverse impact on setting and this could be further reduced with adjustments to the layout.

Layout is not a reserved matter and must be considered at this stage. One of the suggestions is that boundaries of the proposed dwellings, where they abut the monument, to be natural

hedges to create a softer edge to the development when viewed from the monument. This is something to be considered in further detail with the landscaping reserved matter, however, it is recommended that a condition be applied to secure this at the outline stage as a matter of clarity.

CADW propose a further amendment to the layout so that open space proposed within the development is relocated to provide an additional buffer between the development and the dwellings. This suggestion is considered to be of less benefit and would involve the loss of additional existing vegetation within the application site in order to accommodate the change. As currently submitted, the rear boundaries and line of dwellings proposed will replicate those on Heritage Green, immediately to the south. On balance, whilst the suggestion is noted, the change in the layout is not being proposed within the scheme and is considered to have limited benefit to the setting of the monument.

Overall, a moderate adverse impact on the setting of the scheduled ancient monument has been identified and this must be given weight in the determination of the planning application.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design is reserved and will be dealt with at a later point in time, it is relevant to consider whether the layout is acceptable and that the number of dwellings proposed could be appropriately developed on the site.

The layout resembles a modern residential layout which is broadly comparable to the existing modern development seen in the settlement. More importantly it shows that up to 23 dwellings can be accommodated on the site at a density of 29 dwellings per hectare. The application submission indicates that the adjacent housing development known as Heritage Green has a density of 22 dwellings per hectare whereas Waterloo Fields, located to the north west of the development site, has a density of 32.8 dwellings per hectare. Overall, the proposal is considered to be of an appropriate density that will not appear out of character with the remainder of the settlement.

Detailed design will follow at a later date, if this application is permitted, and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement. Overall a mix of two, three and four bedroom properties mainly over two storeys are detailed within the scheme and this is considered to be appropriate for the settlement.

Impact on residential amenity

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected.

More specific guidance is set out in the Powys Residential Design Guide and consideration has been given to the potential separation distances between properties, as well as their siting and orientation in accordance with the guide.

The proposed development will be bordered on three sides by existing residential development and the submission has indicated that a layout could be achieved which would ensure separation distances in accordance with the residential design guide.

The closest of the proposed dwellings with an existing property would be plot 6 shown on plan HG-GA-200 with the rear elevation of a property known as Wizard's Roost. There will be a separation distance of 16 metres between these dwellings but this will be between a rear elevation and flank wall and thus is considered to be acceptable. A condition is suggested at the end of the report for there to be no windows located in the north eastern elevation of plot 6 over the lifetime of the development to protect the privacy of Wizards Roost. The application also indicates the use of additional hedgerow planting to reinforce boundaries and provide screening between dwellings.

Overall, the layout is considered to be acceptable and it is believed that the proposal is capable of according with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide so far as it relates to residential amenity.

Landscape and visual impacts

UDP Policy ENV2 states that proposals should *'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'*. It goes on to state that proposals which are acceptable in principle should *'contain appropriate measures to ensure satisfactory Integration into the landscape'*.

The site is currently two paddocks separated by a hedgerow. It is surrounded on all sides by existing housing and thus provides an opportunity for logical infilling without detriment to the wider landscape setting.

Whilst the site would be visible from public vantage points and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location adjacent to existing residential properties, the development is considered to be acceptable.

Furthermore, taking into account the character of existing development in the locality and that landscaping measures would further reduce the visual impact of the scheme, it is considered that a satisfactory detailed design could come forward to reflect the vernacular character and appearance of the settlement and surrounding area.

Impact on highway network and parking arrangements

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is shown to be provided via the continuation of an existing estate road that serves Heritage Green.

The principal of the proposal has been accepted by the Local Highway Authority although an indication has been provided that additional details will be necessary to secure a section 38 agreement (road adoption). This is not material to the determination of the planning application.

It is noted that a number of objectors have raised concern regarding the increased use of Heritage Green but such concerns have not been reinforced by the Local Highway Authority.

Overall, access via the existing estate road that currently serves Heritage Green is considered to be appropriate to serve the proposed development in accordance with policy GP4 of the Powys Unitary Development Plan.

Sewage disposal

The application details that the site will be served by mains systems in respect of the disposal of foul waters. The proposed use of mains sewerage disposal is compliant with UDP policy DC10.

Severn Trent Water have confirmed that they do not object to the proposed development subject to conditions relating to the agreement of surface and foul water drainage plans and have not raised concerns about the capacity of the system.

It is therefore considered that proposal in this regard is acceptable subject to conditions which have been attached at the end of this report.

Surface water drainage and flood risk

The application site is within Zone A of the TAN15 Development Advice Maps (areas not at risk of flooding) and NRW mapping does not indicate the site as being at risk of surface water flooding.

The agent has undertaken a development enquiry with Severn Trent who has indicated that there is a surface water sewer located to the south of the development and along Heritage Green. Soakaways are the preferable method of dealing with surface water drainage but where these are not feasible, connections to the public sewer can be made at a rate of 5 litres/second/hectare. Additional information has been received from the agent to indicate that there are means for appropriately attenuating the site to comply with the above requirements. Unfortunately no consultation response has been received from the Land Drainage Engineer to confirm acceptance of these plans. It is therefore suggested that a condition is attached to any consent granted to ensure that the details are agreed before development commences and that an appropriate scheme is in place prior to the occupation of the dwellings.

Impact on Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The application is supported by a phase 1 environmental survey and a phase 2 survey for bats. The report concludes that the notable features of the site are the species poor semi improved grassland, the outgrown hedgerow between the fields, the mature oak at the northern end of the hedgerow, the species rich hedgerow along the southwestern boundary and the north western boundaries containing leylandii, willow and blackthorn. The site is used by a small number of bats.

NRW have confirmed that the site is a lower risk for bats and they do not consider that the development is likely to be detrimental to the maintenance and favourable conservation status of bats in its current form providing that the recommendations set out in the ecology report are adhered to. A condition to ensure that the development is carried out in accordance with the submitted details is suggested at the end of this report.

The plans indicate that part of the existing internal hedgerow will be removed to provide access but that the majority of features can be maintained, along with the mature Oak tree, in the current design. Furthermore, there will be the opportunity for additional tree and hedgerow planting within the development. Full consideration of this matter will also take place at the reserved matters stage and it is not considered that any individual trees need to be the subject of tree preservation orders at this time but a condition requiring work to be undertaken in accordance with the findings of the Arboricultural Report ref OOTC/PC16/99 dated 25th May 2016 are adhered to is recommended to be attached to any permission granted.

Subject to the use of the conditions suggested above, the development is considered to be acceptable in accordance with the ecological policies of the UDP and national guidance.

Impact upon established tourist attractions

It is noted that the Offa's Dyke long distance national trail is located to the east of the application site. Given that the proposal would be a residential housing development within an area where such is not unusual, it is not considered that the proposal would unacceptably adversely affect the environmental setting of the identified tourist attraction or any others in the locality in accordance with UDP Policy TR2.

Planning obligations

In respect of recreation provision, it is noted that the plans detail areas of open space and that there is existing play equipped area on heritage green. It is considered sensible therefore, in the absence of information from the Recreation Officer, to require a condition for a scheme to be submitted and implemented. This may involve the provision of funds towards the management of the existing play area on Heritage Green or the provision of additional equipment at this location as an alternative to onsite provision.

In the absence of information from the Education Department, Development Management has no evidence to pursue a contribution. It is suggested therefore, that it be delegated to the Lead Professional for Development Management in consultation with the Chair and Vice Chair to secure a response and a contribution that is appropriate to the development proposed, if members are minded to approve this development.

Other legislative requirements

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. It is acknowledged that the development will have an impact on the setting of a scheduled ancient monument however the impact is not considered to be significant in this instance. For this reason, this material consideration is not considered to outweigh the need to increase housing land supply in the county. It is recommended that the application be delegated to the Professional Lead for Development Management for conditional approval subject to an appropriate education contribution being secured, if considered justified.

If an education contribution is considered justified by the Professional Lead for Development Management, it is also recommended that a time limit of two months is given for the legal agreement to be completed and in the event that it is not concluded within such time period, delegation is given to the Professional Lead for Development Management to refuse the application, unless satisfied that the delay is unavoidable and that there is sufficient evidence to conclude that the matter will be concluded within a further reasonable time period.

Conditions:

1. Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The access and layout shall accord with the details of drawing number HG-GA-200.
5. No windows shall be located in the north eastern elevation of the dwelling within plot number 6 shown on plan HG-GA-200 over the lifetime of the development.
6. The proposed development, where it borders scheduled ancient monument MG138, shall be demarcated by a native hedgerow to be mix of species made up of those detailed within section 6.1.2 of the Environmental Appraisal reference 1609 001R. The hedgerow must be provided by the first planting season following the occupation of plots 1 to 6 detailed on plan HG-GA-200 and the existing fence line removed.
7. The development hereby permitted must be served by the public foul sewerage system (mains) prior to the occupation of any of the units.
8. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

9. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. 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. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

10. The affordable dwellings 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.

11. The recommendations in Section 6 of the Ecological Report by Greenscape Environmental Ltd reference 1609 001R and dated August 2016 shall be adhered to and implemented in full prior to the occupation of the dwellings hereby approved.

12. The trees detailed within the Tree Protection Plan (Appendix B) within the Arboricultural Report reference OOTC/PC16/99 shall be retained and protected in accordance with the details in the report over the construction phase of the development.

13. Prior to the commencement of development, a scheme for the provision of on-site recreational facilities or the provision of a contribution to an existing facility shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

14. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom (maximum 3) excluding any garage space provided. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

15. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that

all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure the amenity of existing residential development is not compromised by the proposed development in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
6. To mitigate against the impact on the proposal on the scheduled ancient monument MG138 in accordance with policy ENV18 of the Powys Unitary Development Plan (2010).
7. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.
8. To ensure that the proposed surface water drainage system for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 9 and 10. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2 – Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
11. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
12. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
13. In order to ensure the provision and maintenance of public amenity space in accordance with policy RL2 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
- 14 and 15. In the interests of highway safety and the free flow of traffic in accordance with policy GP4 of the Powys Unitary Development Plan (2010).

Applicant: Primesave Properties

Location: Land adjacent to Heritage Green,
Kingswood, Forden

