

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	P/2017/0530	<b>Grid Ref:</b>	326880.85 318533.03
<b>Community Council:</b>	Llandysilio	<b>Valid Date:</b>	<b>Officer:</b> 19/05/2017 Tamsin Law
<b>Applicant:</b>	Mr Mervyn Jones		
<b>Location:</b>	Land West of the Street, Four Crosses, Powys, SY22 6RE		
<b>Proposal:</b>	Outline: Residential development, formation of vehicular access and estate roadway together with all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

The application requires a committee determination as it is recommended for approval and is a departure from the development plan.

### Site Location and Description

The site is approximately 1.42 Ha in size and is located adjacent to the western edge of the development boundary of Four Crosses (Llandysilio).

The site itself is currently agricultural land and is relatively flat. The site is bound to the north by existing agricultural land, to the east and south by existing residential dwellings and to the east by the A483 trunk road.

The application is an outline application for the development of 36 new dwellings. The application proposes 8 affordable dwellings which equates to approximately a 22% contribution. Whilst in outline the plans give an indication to the housing types to be provided for within the development and are outline below;

- 7 two-bedroom semi-detached dwellings
- 5 three-bedroom semi-detached dwellings
- 3 two-bedroom terraced dwellings
- 6 three-bedroom detached dwellings
- 7 four-bedroom detached dwellings
- 5 two-bedroom bungalows
- 3 three-bedroom bungalows

The application is in outline with all matters reserved for future consideration.

### Consultee Response

## **Llandysilio CC**

Llandysilio Community Council have considered the above applications and wish to Object to the application for reasons outlined below and request the right to speak at the Planning Committee.

### **1. Policy GP 1 – Development Control**

The application site lies outside the existing settlement boundary for Four Crosses and whilst the new Unitary development Plan is in the course of being adopted it must still be considered as a departure from the Plan.

21 sites in Four Crosses were submitted as candidate sites as part of the preparation of the emerging UDP covering an area of 34 Hectares – this was not one of these sites. The argument for the supply of housing in Powys cannot be allowed to overrule planning policies and principles.

### **2. Contrary to Policy GP4 – Highway & parking Requirements**

No details have been submitted as to how the entrance to the proposed development would work in relation to the existing traffic calming measure on this section of road – a road safety audit needs to be carried out before outline permission is granted.

### **3. Contrary to Policy DC9 – Protection of Water Resources**

With reference to the Surface & Foul Water Drainage Strategy submitted by Weetwood Services Ltd the unmade watercourse on the map in 2.1 is actually the Sarn Wen brook which is an important drainage feature of Four Crosses and the surrounding area. Drainage into this brook is at a critical point as any extra water would have a direct impact on residents of Sychpwl further downstream. We note that the development will involve a attenuation pond – there are already 3 in the village as a result of the bypass and these ponds require a lot of maintenance. Details need to be established as to the future maintenance of the pond

### **4. Inadequate infrastructure**

This is a key element in the development of Large Villages such as Four Crosses.

I attach a letter from the Medical Centre asking that any future development be asked to make a direct contribution so that the planned extension can go ahead.

Llandysilio Church in Wales is also having to manage in mobile classrooms and we would ask that a contribution is also sought to improve their learning environment.

## **Highways Dept**

Since this application has reserved all matters for future consideration we must advise that the principle of development at this site is considered to be acceptable. The proposed access onto the existing County highways will be in the vicinity of the existing traffic calming chicane and therefore the relocation of this feature must form part of any detailed submission. Furthermore, we will be seeking improvements and enhancements to the Active Travel network in order to comply with the Active Travel (Wales) Act 2013.

Whilst only indicative at this stage, the site layout provided, demonstrates that the potential development is likely to be of a scale that will require an internal access road built to

adoptable standards. It is therefore considered appropriate to advise the applicant at this stage that any future reserved matters application would need to include an appropriate highway layout and drainage strategy to meet those standards. The applicant is further advised that Advanced Payment Code Notices in line with legislation contained within the Highways Act 1980, will be served as and when building regulation approval is granted on any of the proposed dwellings.

## **Severn Trent Water**

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

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

To help us provide an efficient response please could you send all responses to [welshplanning@severntrent.co.uk](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

## **Environmental Health**

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection recommend 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.”*

## Construction-phase dust control

Environmental Protection would also recommend that before development commences a Dust Management Method Statement be submitted to and agreed in writing by the Local Planning Authority. This document should include measures to prevent the formation of dust, and specify what actions will be taken for its suppression so that it does not have an adverse impact on nearby properties.

## **PCC Heritage Officer**

Thank you for consulting me on the above application.

I can confirm that the proposal is close to a number of designated historic assets namely;

### Scheduled Ancient Monument

MG033 Offas Dyke Section extending 300m SE to Bele Brook

### Listed Buildings

Cadw ID 8532 Domgay House included on the statutory list on 05/04/1993

Cadw ID 8531 Former Domgay Chapel included on the statutory list on 05/04/1993

Cadw ID 8530 Street House included on the statutory list on 05/04/1993

Planning Policy Wales advises in paragraph 6.5.21 that “There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level”

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

#### Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The area is currently grassland and appears to have been agricultural land. The Four Crosses bypass has dissected this portion of land from the adjoining farmland visually bringing into the village.

Four Crosses has a number of historic buildings of both secular ecclesiastical and commercial reflecting the past historical uses of the area.

#### Historical Value

Historic maps indicate that the site has been in agricultural land for some years and not readily associated with the adjacent listed buildings.

Domgay House is a mid C19th house incorporating an older cottage in the cottage ornee style.

Domgay Chapel first built in 1823 and rebuilt in 1854 in a simple Gothic style is historically interesting being the only non-conformist place of worship in the parish.

Street House dates from the first half of the C19 and is believed to originally been a pair of properties. The properties are three storey and have the appearance of town houses rather than agricultural workers properties.

## Aesthetic Value

The land is currently undeveloped but is open pasture land adjacent to a number of historic assets.

## Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Cadw have prepared guidance on the setting of all historic assets which came into force on 31 May. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The Historic Assets have been identified above .

Paragraph 1.24 of TAN 24 advises that “Local Planning Authorities are required to consult the Welsh Ministers through Cadw, on certain development proposals which affect Scheduled Ancient Monuments, registered historic parks, gardens and landscapes and the Outstanding value of World Heritage sites and their settings. It is for the local planning authority to consider the effect of proposed developments within the settings of listed buildings, conservation areas, unscheduled monuments of national importance and other undesignated historic assets.”

My comments will therefore not include the setting of Offas Dyke Scheduled Ancient Monument which is for Cadw to comment upon.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or ‘curtilage’ and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. “

“The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features.”

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

- How do the present surroundings contribute to our understanding and appreciation of the historic asset today?
- Thinking about when the historic asset was first built and developed:
  - what were its physical, functional and visual relationships with other structures/  
historic assets and natural features?
  - what topographic or earlier features influenced its location?

- what was its relationship to the surrounding landscape/streetscape?
- was it constructed to take advantage of significant views or to be a part of a significant view? Although there may be a 360 degree view, some areas of the view may be more significant than others.
- Thinking about changes since the historic asset was built:
  - has its function or use changed?
  - what changes have happened to the surrounding landscape/streetscape?
  - have changes happened because of changes to the historic asset or to its historical setting?
  - has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
  - has the presence of the historic asset influenced the character of the surrounding landscape/streetscape?
    - have historic and designed views to and from the historic asset changed?
- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
  - were these relationships designed or accidental?
  - how did these relationships change over time?
    - how do these relationships appear in the current landscape; are they visual or buried features?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views to, from and across the historic asset that were designed and developed when the historic asset was first created — for example, in the case of a defensive or ritual structure
- views to, from and across the historic asset which are linked with a time in its history for example, a historic artistic depiction of the site
- important modern views to, from and across the historic asset – for example, popular visitor viewing points.

The closest listed building is Domgay House which is orientated NW to SE with the principal windows to the SE towards the road. Domgay Chapel is directly adjacent and its door faces eastwards towards the road. Street House is orientation E-W with its principal windows facing East towards the road. Street House has a range of outbuildings to its rear.

The site is sited between the petrol filling station and the 2 unlisted buildings to the SW of Domgay House and whilst it is likely that the site and Domgay House and the adjacent Chapel could be viewed together from The Street, both Domgay House and Domgay Chapel were designed to take advantage of their village location with the principal views towards the village. There are a number of newer houses that have been constructed in the C20th along The Street that have enlarged Four Crosses.

Street House is sited to the NW of Domgay Chapel and the curvature of the road would make views of this property and the development site not readily visible.



It is not considered that the proposed development of this site would have an adverse affect on the setting of the above three listed buildings. However whilst noting that the submitted plans are indicative at outline stage, I would request that consideration be given at reserved matters stage (if the application is approved) to the reorientation of plots 34,35 and 36 in order that they face The Street and are not at right angles to The Street thereby retaining the traditional street pattern. The provision of a terrace in this location is welcomed again as it replicates a traditional street layout.

I can confirm that I would have no objections to the proposal as submitted

## **Contaminated Land Officer**

### Advice

1. It is identified that the application site is adjoined, to the East, by a petrol filling station which is a potential source of land contamination. The Department of the Environment document 'Industry Profile – Road Vehicle Fuelling, Servicing and Repair-Garages and Filling Stations' (1996) provides information concerning the potential sources of land contamination.
2. Records in relation to the dispensing and storage of petroleum fuels at the adjoining filling station may be available from the Petroleum Enforcing Authority: Powys County Council Trading Standards Service (trading.standards@powys.gov.uk).
3. No information appears to have been submitted, in support of Planning Application P/2017/0530, in respect of the potential land contamination risks to the proposed development from the adjoining filling station.
4. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government 'Planning Policy Wales' (2016) advises: *"responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners"*.
5. *Based on the available information the following is recommended:*
  - I. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/0530  
A preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice.  
If a preliminary risk assessment identifies that there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, prepared by a qualified and experienced environmental consultant, should also be submitted for review and approval.
  - II. Alternatively, the following Condition and Note to the applicant could be attached to any permission granted for Planning Application P/2017/0530:

### Condition A

#### Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and the WLGA document '*Development of land affected by contamination: a guide for developers*' 2012 .

*Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).*

#### Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

#### Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. *The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.*

#### Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_ of the adopted Local Plan (date)].

#### Note to Applicant

##### Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

#### **PCC Ecologist**

I have reviewed the proposed development associated with planning application P/2017/0530 to determine whether a Habitats Regulations Assessment would be required.

A Habitats Regulations Assessment is required to be undertaken when there is potential for a plan or project to impact a European Site (SAC, SPA or Ramsar Site).

The Montgomery Canal SAC is approximately 300m west of the proposed development site.

· There are no watercourses in close proximity to the proposed development site that would provide a pathway between the proposed development and the SAC that could result in risks to water quality as a result of pollution impacts;

· There are a number of significant barrier between the SAC and the proposed development e.g. A483 trunk road.

Having reviewed the location and nature of the proposed development with regards to the Montgomery Canal it is considered that there is no potential for the proposed development to directly or indirectly impact the Montgomery Canal SAC and or its associated features, therefore it is not considered necessary for the LPA to undertake a Habitats Regulations Assessment.

## **Land Drainage Officer**

Apologies for the delay in getting back to you on this one. Having considered the drainage proposals, the LLFA would make the following observations, comments and recommendations:-

### Local Flood Risk.

Comment: Having reviewed the FCA prepared by Weetwood Services Ltd (dated 26<sup>th</sup> April 2017), the LLFA is satisfied with the report findings.

### Surface Water Drainage.

Observations/Comments: reference is made within the Surface and Foul Water Drainage Strategy (Final Report v1.1) prepared by Weetwood Services Ltd (dated April 2017), on the disposal of surface water. Having reviewed the drainage strategy, the LLFA find the proposed drainage principles generally acceptable. However, the following points will need to be re-considered/addressed.

1. Clause 2.3 - *Waterbodies in the vicinity of the site*. The un-named watercourse is the Sarn Wen Brook, which is a watercourse operated and managed by NRW as part of the Powysland Internal Drainage District.
2. Clause 3.2 – *Disposal Of Surface Water*. Although the Building Regulation Approved Doc Part H hierarchy for methods of disposal are in principle acceptable, the LLFA would recommend the design standards for surface water disposal follow those principles set out in Welsh Government's 'Recommended Non-statutory standards for sustainable drainage (SuDS) in Wales' dated Jan 2017 (<http://gov.wales/docs/desh/publications/151230-suds-standards-en.pdf>).
3. Clause 3.2 – *Disposal Of Surface Water*. Final paragraph refers to the utilisation of the proposed drainage ditch along the site's eastern boundary, which ultimately outfalls to the watercourse to the south. This principle is acceptable, however, the drainage ditch along the site's eastern boundary is to connect to an existing draining ditch (see Figure 1: Site Location ) prior to its connection with the 300mm dia culvert referred to in Clause 2.3 - *Waterbodies in the vicinity of the site*. The effectiveness of the proposed drainage system will be dependent upon the management of this existing section of drainage ditch. LLFA is aware that the area of intervening land in which this existing ditch passes is under the control of Welsh Government (Trunk Road). The LLFA would recommend that this section of existing drainage ditch forms part of the overall SuDS proposals and is maintained by the suggested

management company outlined in Clause 3.4.3 – *Maintenance of SuDS*. The LLFA would recommend that the Applicant/Agent consult NMWTRA to secure such.

Recommendation: 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. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

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

### Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

### **NRW**

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 Requirements and Conditions

Condition 1- Submission and implementation of an external lighting scheme to the satisfaction of the LPA

#### Protected Species

We note the Phase 1 Ecological Appraisal by Greenscape Environmental Ltd (June 2016) submitted as part of the application. NRW considers that the report has been carried out to a satisfactory standard. We have the following comments for your consideration:

We welcome the recommendations outlined within Section 6 of the submitted phase one report to improve the biodiversity potential of the site.

Care should be taken in the type and location of any external lighting within the new development, to ensure that the hedgerows and trees identified on the site are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Condition 1- Submission and implementation of an external lighting scheme to the satisfaction of the LPA

#### Flood Risk

As the development is in an area potentially at risk from surface water flooding, a Surface Water Drainage Strategy has been compiled. Information pertaining to surface water or groundwater flooding is to be assessed by the Local Authority in their role as Lead Local Flood Authority (LLFA), as per the Floods and Water Management Act 2010.

## Surface Water

This application is at Four Crosses, 10Km north of Welshpool. Whilst this development is outside Powysland IDD, it will have a possible/likely impact on the IDD. The 'Surface and Foul Water Drainage Strategy' written by Weetwood in the application details how surface water will be discharged into an unnamed watercourse. This Watercourse is called Sarn Wen Brook, which is an ordinary watercourse maintained by NRW as Powysland IDB. Sarn Wen Brook flows into Afon Vyrnwy at Syllpwll via a gravity outfall and a pumping station. Additional surface water generated as a result of the development should be attenuated to the greenfield run-off rate. To achieve any attenuation of surface waters on site, the Agency advocates the use of Sustainable Urban Drainage Systems (SuDS), further information about which can be found in CIRIA publications C522 SuDS - Design manual for England and Wales & C523 SuDS - Best practice Manual.

## Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage.

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website [www.naturalresourceswales.gov.uk /](http://www.naturalresourceswales.gov.uk/) [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk)

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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.

## **Cadw**

Thank you for your letter of 26 May 2017 inviting our comments on the above planning application.

### Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development. Our assessment of the application is given below.

### Our role

Our statutory role 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. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

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 (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. 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 protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

## Assessment

The application area is located some 70m west of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. However due to intervening buildings and vegetation the proposed development will not be seen from the scheduled monument. Consequently the proposed development will have no impact on the setting of scheduled monument MG033.

## **Cllr Arwel Jones**

I refer to the above application I would request that this application is determined by the Committee, which I think it will have to be as its a development outside the settlement boundary.

I would anticipate that the Clerk to the Council and myself will speak on the application.

## **CPAT**

### *1<sup>st</sup> Response*

Thank you for the consultation paperwork relating to the above proposals.

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of broad archaeological sensitivity related to the former prehistoric funerary and ritual activity in Four Crosses during the Late Neolithic and Bronze Age periods. Numerous burial mounds formerly occupied the land to the east and north east of the old A483 route through the village and an additional large burial mound was found 300 metres north of the development site during the Four Crosses Bypass construction. Also during this construction an undated rectangular enclosure was found within 20 metres of the application boundary to the south west and numerous linear ditches to the north.

Despite the geophysical survey there is still a largely unquantified potential for sub-surface archaeology of prehistoric and later date in this area. The geophysical survey clearly found it difficult to see through the later ridge and furrow field system earthworks which may mask earlier archaeology beneath and there were issues with some areas being magnetically disturbed by modern metallic features nearby (petrol tanks).

As reported in the archaeological assessment conclusions (9.3) there are a number of geophysical anomalies which remain unexplained and undated and these will need to be explored by evaluation in advance of consent so that the applicant and the planning committee are fully informed about the archaeological potential of the site.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.



Welsh Government **Planning Policy Wales, Circular 60/96 - Archaeology and Planning** (Dec 96) and Powys UDP Policies SP3, ENV 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work.

Please contact me if you wish to discuss the above advice or require any more information.

### *2<sup>nd</sup> Response*

We received the report from Archaeology Wales on 16/10/17 and approved it the same day. The report has been sent to the HER. There were no significant archaeological features within the development area other than some late post medieval boundary and pit features which are of low archaeological value. No further archaeological work is required here and we would have no objection to the development.

### **Representations**

The application was advertised through the erection of a site notice and press advertisement. Two objections have been received and are summarised below;

- Concerns in relation to highway safety
- The application would remove traffic calming measures currently in place
- Concerns regarding the number of houses proposed
- Concerns regarding impact on neighbour amenity and the blocking of a view

### **Planning History**

No relevant planning history

### **Principal Planning Constraints**

Scheduled Ancient Monument – Offa's Dyke

### **Principal Planning Policies**

National Planning Policy

Planning Policy Wales (9<sup>th</sup> 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 15 - Development in Flood Risk Areas (2004)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 20 – Planning and the Welsh Language (2017)  
Technical Advice Note 23 - Economic Development (2014)  
Technical Advice Note 24 – The Historic Environment (2017)

### 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 SP14 - Development in Flood Risk Areas  
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 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 RL6 - Public Rights of Way and Access to the Countryside  
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

## **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.

### Principle of Development

The proposed development lies wholly outside the settlement boundary of Four Crosses, as detailed on UDP inset map M133, and would result in a residential development of 36 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 most recent Joint Housing Land Availability Study (JHLAS) was undertaken in 2016 which stated 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 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.

Four Crosses is considered a key settlement in the UDP. Key settlements normally act as an important service hub to the surrounding area.

It is noted that the settlement of Four Crosses is served by a church (St Tysilio), primary school, community centre, shop, garage, doctor's surgery, sports pitch and industrial development. It is also noted that it is served by bus routes with regards to public transport.

Consideration must also be given to previously permitted developments within Four Crosses and the sustainability of the growth of Four Crosses. Evidence provided for the LDP examination demonstrates that there is a planned future growth for Four Crosses of 46 dwellings and that taking into consideration developments that benefit from consent, this would bring the total planned for dwellings to 91. The Inspector's report on the LDP has yet to be submitted and as such little weight can be afforded to its content.

Officers acknowledge that a number of dwellings have already been consented in and adjoining the settlement and if developed could have an impact on the services within the settlement. If Members are minded to approve the application consideration should be given to the sustainability of the development and its potential impact on local services.

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.

### Affordable housing provision

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

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 a more up to date and robust basis for determining the affordable housing contribution than the now historic “guideline” figure contained within the UDP and on that basis, the 20% provision figure suggested is considered to be reasonable in this instance.

In light of this, the proposal is considered compliant with the principle of policy HP7.

### Historic environment

#### *Listed Buildings:*

The general duty with regards to listed buildings in exercising planning functions is set out within Technical Advice Note 24: The Historic Environment. 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.

The application site does lie in close proximity to three Grade II listed buildings, Domgay House, Former Domgay Chapel and Street House. The Powys Built Heritage Officer was consulted on the application and stated that they did not consider that the proposed development would have an adverse effect on the setting of the three listed buildings. They confirmed that they had no objections to the proposed development.

Cadw have also been consulted and offer no objection to the proposed development.

As such the proposed development is considered to be in accordance with TAN24 and UDP Policy ENV14.

#### *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 Technical Advice Note 24: The Historic Environment. UDP policies ENV17 and ENV18 also set out this consideration at a local level.

The Clwyd Powys Archaeological Trust (CPAT) acts as Powys Planning Authority’s advisor on matters relating to archaeology. On first submission of the application they advised that the development lies in an area of high archaeological potential, the full extent of which could only be revealed through a pre-determination archaeological evaluation. The evaluation was received and further comments from CPAT confirmed that no significant archaeological features were found to be present and therefore no objection has been raised to the development proceeding.

Cadw were also consulted on the application as the Offa’s Dyke Scheduled Monument lies approximately 70 metres to the east of the site. Cadw comment that due to intervening buildings and vegetation the proposed development will not be seen from the scheduled

monument. Cadw conclude that the proposed development will have no impact on the setting of the scheduled monument.

As such the application is considered to be in accordance with Planning Policy Wales, TAN24 and UDP policies ENV17 and ENV 18.

### 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 and layout are reserved for future consideration, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site. The cumulative impact of this scheme in addition to the consented developments on the settlements character and appearance is also relevant to consider.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing development to the west. More importantly it shows that a residential development of 36 dwellings could be accommodated on the site. 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.

### 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.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting and orientation. The most sensitive location for the development regarding this matter will be along the north eastern and south eastern boundary of the site where it adjoins existing residential development properties. Officers consider that the indicative layout demonstrated that the development can be accommodated on site without having a detrimental impact on neighbour amenity. Full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available.

Concerns raised by third parties regarding the impact on amenity and view are acknowledged however Officers consider that the indicative layout demonstrates a development that would not have a detrimental impact on neighbour amenity. Regarding views from existing properties, this is not a material planning consideration and therefore cannot be considered during the determination of the application.

The comments from the Environmental Health Department are noted with regards to the potential for amenity to be affected during the construction phase of the development and the suggested conditions to control this matter has been set out at the end of this report.

It is considered 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 lies between the existing boundary and built form of Four Crosses and the A483 Trunk Road. Following construction of the A483 bypass an area of land remained to the rear of west of the existing built form of Four Crosses.

In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the River Severn Floodplain (MNTGMVS650) which has a moderate evaluation but sits adjacent to Four Crosses VSA (MNTGMVS635) which has a low classification. The area is characterised by a *'dispersed collection of linear settlements surrounding the junctions of the A483(T) and the B4393 comprising Llandrinio, Rhos Common and Four Crosses. No defined village centre, rather an amalgamation of smaller settlements into one'*. LANDMAP sets out the key elements that should be changed are to *'encourage development as a more nucleated settlement rather than sprawling linear settlement'*. The proposed development is considered to meet such objectives and occupies a site between the existing settlement and the A483 Trunk Road effectively infilling an area of land.

In terms of landscaping, the submission indicates that the proposal would provide an opportunity to provide additional native landscaping which would assist in mitigating visual impact. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and public rights of way and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location adjacent to an existing residential estate and the A483 Trunk Road, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact, the proposed scale of the development is considered to reflect the character of the development that has occurred along the highway within Four Crosses, it is considered that a satisfactory detailed design could come forward to reflect the overall 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 to the development will be through a new access off the U4908 highway called 'The Street'. It is located within the 30mph speed limit and the indicative layout demonstrates the removal of a traffic calming chicane.

Access is a reserved matter for future consideration however in determining this application consideration must be given to whether, in principle, a safe access can be achieved. Following consultation with the Highways Authority they commented stating that the principle of development at this site is considered to be acceptable. Comments were also made that the access would be in the vicinity of existing traffic calming measures and therefore the relocation of this feature must form part of any detailed submission.

It is considered that subject to conditions the proposal in respect of highway safety is acceptable and accords with the provisions of UDP policy GP4.

### 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

The application was supported by a Surface and Foul Water Drainage Strategy, Infiltration Tests and Microdrainage Results. Following consultation with the Powys Land Drainage Officer no objections have been received on the proposed development subject to a condition being attached to any consent requiring the submission of surface water details.

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

### 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 site also lies approximately 300 metres to the east of the Montgomery Canal SAC.

The application is supported by an extended phase 1 habitat survey and tree protection plan. Following consultation with both Natural Resources Wales and the Powys Ecologist no



objections were received subject to a condition relating to external lighting being attached to any consent.

With regards to the Montgomery Canal SAC the Powys Ecologist has commented stating that there are no watercourse in close proximity to the proposed development site that would provide a pathway between the site and the SAC and that there are a number of significant barriers (such as the A483 Trunk Road) between the site and the SAC. As such their comments concluded that there is no potential for the proposed development to directly or indirectly impact on the SAC or its associated features and as such it is not necessary for a Habitats Regulation Assessment to be undertaken.

In light of the above, the proposed development is considered to be acceptable subject to a condition relating to external lighting.

### Agricultural Land

A small section to the north of the site is currently classified as Grade 2 agricultural land. The majority of the site is not classified as either 1, 2 or 3a. Policy ENV1 states that the best and most versatile agricultural land will be safeguarded wherever possible. Due to the small amount of grade 2 classified land falling within the development site and the fact that this area of land was effectively separated from the wider agricultural land by the A483 bypass, it is considered that the loss of this small amount of land would not be sufficient to warrant refusal of the application on this ground.

### Education and Recreation

Planning Authorities are permitted to seek planning obligations from developers of land in accordance with Circular 13/97. Development Management has consulted the Education Department and the Recreation Officer to see whether any planning obligations are necessary to serve the development.

The consultation on this application has not to date received a response from the education department; previous application in Four Crosses had a response from Education stating that the school had not reached its capacity. Further information has been requested and will be provided in an update report.

With regards to open space, it is noted that Powys County Council does not have a play area with fixed equipment near to the proposed development. The indicative layout does not demonstrate a provision of public open space as such a S106 agreement will be sought to secure open space provision and retention.

### **Other Legislative Considerations**

#### 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. Information is currently being gathered and will be reported via an update report.

### 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 increase housing land supply. The proposed development is for the provision of 36 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

The recommendation is one of conditional approval subject to a Section 106 agreement to secure amenity space provision within the application site in accordance with fields in trust standards within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

## Conditions

1. Details of the appearance, landscaping, layout, 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 development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. 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.

6. Prior to the commencement of development a Dust Management Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This document should include measures to prevent the formation of dust, and specify what actions will be taken for its suppression so that it does not have an adverse impact on nearby properties.
7. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject

to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

8. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. *The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.*

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

11. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

12. 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. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

13. Prior to the commencement of development an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

14. 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/bed spaces;
- 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 (if no RSL involved)];
- 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.

15. The affordable dwelling/s 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.

16. A scheme for the provision of on-site recreational facilities shall be submitted as part of any reserved matters application as required by conditions 1 & 2 of this consent. The scheme shall accord with the Fields in Trust Standards.

17. No development shall commence within the application site until a scheme for the management of the recreational area together with the timing of construction and completion in relation to the housing units hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and the recreational area shall be managed in full accordance with the approved scheme

### **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. 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 in accordance with UDP Policy DC10.

5. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.

6. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.

7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with UDP Policy DC15.

8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with UDP Policy DC15.

9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with UDP Policy DC15.

10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with UDP Policy DC15.

11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with UDP Policy DC15.

12. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with UDP Policy DC13.

13. To ensure that any external lighting does not impact on any protected biodiversity features in accordance with TAN5 and UDP policies ENV4, ENV5, ENV6 and ENV7.

14. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010).

15. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010)

16. To ensure that on-site recreational facilities are secured in accordance with the Fields in Trust Standards and in accordance with Policy RL2 of the Powys Unitary Development Plan (2010).

17. To ensure that on-site recreational facilities are secured in accordance with the Fields in Trust Standards and in accordance with Policy RL2 of the Powys Unitary Development Plan (2010).

## **Informative Notes**

---

Case Officer: Tamsin Law- Principal Planning Officer  
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk