

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

<b>Application No:</b>	P/2017/0700	<b>Grid Ref:</b>	304238.34 250319.23
<b>Community Council:</b>	Builth	<b>Valid Date:</b>	<b>Officer:</b> 21/07/2017 Tamsin Law
<b>Applicant:</b>	Mr & Mrs John Gerald Evans, Brentwood, Builth Wells		
<b>Location:</b>	Land on Brecon Road, Builth Wells, Powys, LD2 3DY		
<b>Proposal:</b>	Outline: Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved)		
<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 2.3 Ha in size and is located adjacent to the south-western edge of the development boundary of Builth Wells.

The site itself is currently agricultural land and slopes away from the existing dwellings to the north of the site. The site is bound to the north by existing residential dwellings, to the east and south by agricultural land and to the west by the B4520.

The application is an outline application for the development of 40 new dwellings. The indicative layout demonstrates the retention of trees, an area of public open space and access arrangements. The application proposes 12 affordable dwellings which equates to approximately a 30% contribution. Whilst in outline the plans give an indication to the housing types to be provided for within the development and are outline below;

- 9 three-bedroom bungalows
- 12 three-bed semi-detached dwellings
- 10 two-bedroom semi-detached dwellings
- 5 four bedroom detached dwellings
- 4 five bedroom detached dwellings

The application is in outline with all matters reserved, apart from access, for future consideration.

### Consultee Response

## Builth Wells TC

Concern was expressed by Councillors about sewerage capacity – an issue that has been raised before when the previous development was built close to this site and to date nothing has been done about it.

Concerns was also expressed about reduced visibility as traffic speed approaching from Upper Chapel can be high.

The Town Council supports the application and trusts that the authority will make appropriate judgements on proper access, water and drainage.

## Powys Highways

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

The Highway Authority require the submission of the following in order to determine the suitability of the current development proposal:

Dimension the width of carriageway (B4520) and radii of kerb line at the new junction/access. They should show tracking of service vehicles at the access and comment on overrun of centreline, if this might occur.

The applicant should clarify whether footway works will be in highway or within land to be dedicated. Works should be completed between the existing footway to the south of Hillview and the site entrance prior to first occupation. Detail of tie in to the south also required.

Detail application should not be determined until the proposed changes to the speed limit commencement have been consulted upon and the Order drafted/ resolved.

The applicant should identify total, potential units to use this junction/access (future site access to east) and comment on suitability of the access to serve that number.

The applicant should clarify extent of roadside hedge removed/retained. They should include a statement as to how the future maintenance of the hedge will be managed.

Internal layout:

- Show (or state) gradients of waiting platform, first 10 metres of the estate road and general info on gradients within the site (along roads).
- Explain/track movements at internal junctions; show road markings if necessary.
- Show adequate forward visibility on internal bends; check this in light of local vertical changes.
- Given the topography of the site, provide statement on how the highways within the site will be drained and the location/ status of any SUDs/storage to be provided.
- Other layout features to local/ national guidance.

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

The new access will be located outside of the existing 30mph speed limit and the 85th percentile of traffic is 45 and 46mph. In order to provide a safe means of access we will require that a scheme be submitted for the reduction of the speed of traffic travelling past this new junction.

## Recommendations

1. Prior to any works being commenced on site the applicant shall submit and have approved in writing by the local planning authority a scheme for the reduction of traffic speeds past the site junction. The approved scheme shall be implemented and retained for as long as the development remains in existence.
2. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the new footway along the B4520 which shall link into the existing footway at the Hill View estate to the north of the site.
3. Prior to the occupation of any dwelling the footway, referred to above, shall be fully completed to the written approval of the local planning authority and retained for as long as the development hereby permitted remains in existence
4. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
5. Within 10 working 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 0.300 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.
6. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
7. The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
8. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
9. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning

Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

10. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 77 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
11. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of the any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three spaces excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
13. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
14. Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
15. Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
16. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway.

## Welsh Water

We have previously been in extensive dialogue with the applicant through our Pre-planning service regarding this proposal. It was identified a clean water supply could be adequately provided, however there is insufficient capacity in the existing foul sewerage network, and at Builth Waste Water Treatment Works to accommodate the proposed development.

We have undertaken further investigations on behalf of the applicant and can confirm a suitable surface water removal scheme would mitigate the risk to the existing foul sewerage network and Waste Water Treatment Works. We acknowledge the applicant has proposed an indicative surface water removal scheme as part of this planning application and can confirm this is acceptable in principle.

Therefore, as shown on the submitted drainage strategy plan (drawing ref: SK04), we consider the proposed foul connection within Hill View Estate acceptable subject to a detailed submission outlining the removal of surface water from the public sewerage system.

For the above reasons, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent.

### Conditions

No development shall commence on site until a comprehensive surface water strategy has been submitted to and approved in writing by the LPA. The scheme shall include details of the removal of existing surface water from the offsite public sewerage network as outlined in the Drainage Strategy Report ref C915. No dwellings shall be occupied until the agreed scheme has been completed.

*Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment*

### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order

to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Please note the proposed development is crossed by a distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times and it should be ensured that an easement of 8m is maintained, 4m either side of the centre of the main.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### Cllr Jeremy Pugh

Thank you for your email. I wish to notify my approval for the following applications;

P/2017/0769 Erection of industrial building for vehicle repair and tyre depot

P/2017/0700 Land on Brecon road Residential development

P/2017/0635 Residential development Hay Harage Hay Road

#### Powys Environmental Health

Subject to a satisfactory drainage scheme being agreed and implemented with DCWW through the mains system we would not have any objections to the development.

However, due to the residential setting of the proposed development it is recommended that before any development commences a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

In addition it is recommended that the landscaping and 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 Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down

#### Powys Affordable Housing

I am happy with the application which refers to provision of 30% affordable housing provision. As long as the following guidelines are adhered to:

- All affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing Policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9.

### Powys Ecologist

Thank you for consulting me with regards to planning application P/2017/0700 which concerns an outline application for a Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved) at Land on Brecon Road, Builth Wells, Powys.

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 1km of the proposed development.

The data search identified 246 records of protected and priority species within 1km of the proposed development, no records were for the site itself.

The following statutory designated sites are present within 1km of the proposed development:

- River Wye Special Area of Conservation (SAC)
- River Wye (Upper Wye) Site of Special Scientific Interest

Details regarding surface and foul water management for the site have been provided within the Drainage Strategy Report produced by CB3 Consult Ltd dated 14/08/2017, the proposed strategy identifies that the proposed site will be drained by separate foul and surface water drainage systems. An onsite foul pumping facility will be required. A gravity foul drainage network in the adoptable estate road will drain to the new pumping station, which will then pump to the public sewer. Site testing has indicated favourable ground conditions for infiltration disposal of surface water, the strategy presented in the report is for private plot infiltration and an attenuated highway drainage outfall to the Gloew Brook – agreement if detailed surface water drainage is anticipated to be controlled via planning conditions. The surface water removal scheme has been accepted in principle by DCWW for the purposes of planning, it is therefore considered that sufficient information has been provided to demonstrate that foul and surface water drainage for the proposed development can be carried out in a manner that would prevent pollution of the Gloew Brook a tributary of the River Wye SAC/SSSI and surrounding habitats.

I note that NRW have advised in their Pre-application Consultation Response to the proposed development that a Detailed Construction Phase Pollution Prevention Plan will be required to be submitted prior to determination of the application, the PAC Report Response from Applicant/Agent states '*LPA to advise on the necessity of this information*'. Whilst broad pollution prevention measures have been provided within the Preliminary Ecological Assessment Report produced by Turnstone Ecology dated October 2016 it is considered that further specific details regarding pollution prevention during the construction phase of the development are needed to be submitted to enable the screening of the application as no likely significant effect to the River Wye SAC.

When considering the potential for a Likely to Significant Effect to European Designated Sites from the proposed development, in the statutory context 'likely' means one whose occurrence cannot be excluded on the basis of objective information.

Where potential mitigation measures are inadequately specified in a proposal, or they are not incorporated in the proposal at all, it is not appropriate to screen out the project (from the need for appropriate assessment) in reliance on the intention to impose a condition requiring the defining characteristics of the mitigation measures to be submitted for approval after the proposed development has been approved.

It is therefore considered that a Detailed Construction Pollution Prevention Plan for the construction Phase of the proposed development is required to be submitted prior to determination to inform the HRA Screening Assessment.

Details of pollution prevention measures can be found at

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

GPP5 and PPG6 are considered likely to be of particular use to this site.

No non-statutory designated sites are present within 1km of the proposed development.

A Preliminary Ecological Assessment Report produced by Turnstone Ecology dated October 2016 has been submitted to inform the application. The report details the findings of Phase 1 Habitat and Protected Fauna Survey surveys undertaken in March 2014 and update survey undertaken in April 2016.

Habitats recorded within and immediately adjacent to the proposed development comprised areas of improved grassland, trees, hedgerows and watercourse. The improved grassland is currently used for livestock grazing, species identified were found to be common and widespread. A small area of wet flush was identified to the northeast corner of the proposed development site. Hedgerows form the northern, western and southern boundaries of the site. The Gloew Brook (a tributary of the River Wye SAC/SSSI) flows along the eastern boundary of the field approximately 125m east of the proposed development.

An assessment of the habitats present and their potential to support protected species was undertaken – searches of suitable habitat for evidence of protected species was undertaken.



No evidence of badger activity was found within or adjacent to the proposed development site, the site was considered to provide good foraging opportunities for badgers.

Suitable bat roosting features were noted in the two of the mature Oak trees on the site and the field boundaries were considered likely to attract foraging and commuting bats in the local area.

The hedgerow boundaries around the site of the proposed development were considered to provide suitable cover for dormice but were considered to be species poor with only limited food plants, in addition it was noted that connectivity between the site and optimal dormouse habitat in the wider area was poor.

No evidence of otter was recorded along the section of the Gloew Brook which forms the eastern boundary of the field, the proposed development site was assessed as having no suitable features for breeding or resting habitat for otter but it was considered that there is potential for otter to forage or commute along the Gloew Brook.

No evidence of water vole was recorded along the section of the Gloew Brook which forms the eastern boundary of the field, the proposed development site was assessed as having no suitable habitat to support water vole.

Hedgerows and scattered trees present around and within the site were assessed as being suitable to support nesting birds – corvid nests were identified in the trees and a red kite was recorded sat close to a large nest in one of the mature Oaks during the 2016 visit.

The site of the proposed development was considered to be unfavourable to support great crested newts, no ponds are present within the site of the proposed development and suitable terrestrial habitat is limited to the hedgerows surrounding the site. I should be noted that whilst the ecology report states that there are no records of great crested newts within 2km of the proposed development, a review of BIS datasets identified 4 records of great crested newts within 2km recorded between 2002 and 2009 the closest record being approximately 1616m from the proposed development, the identified records were all to the north of the River Irfon which would present a significant barrier between the proposed development site and the identified population of great crested newts. The ecology report identifies that 2 ponds were shown on OS maps within 500m of the proposed development, one (approximately 50m west of the development) was found to be a covered reservoir and unsuitable for great crested newts. The second pond (approximately 365m south-east of the development) was considered to lack suitable connectivity to the site.

Potential for reptiles to be present at the site was considered to be limited to the hedgerows and brook, the grassland was considered to be unfavourable for reptiles species due to lack of potential cover and refugia opportunities.

The section of the Gloew Brook along the eastern boundary of the site was considered to provide sub-optimal habitat for white-clawed crayfish although given their known presence in other waterbodies associated with the River Wye their presence could not be ruled out, it was noted that the brook is not directly affected by the proposed development.

The report identifies that the existing trees on the site will be retained and incorporated into the layout of the proposed development, the indicative site layout plan submitted also shows

these trees being retained. It is recommended that the submission of a tree and hedgerow protection plan in accordance with BS 5837:2012 is secured through an appropriately worded condition to ensure the protection of these trees and the retained sections of boundary hedgerow.

It should also be noted that two of the mature Oak trees were identified as having features suitable for use by roosting bats, should the detailed design of the development identify a requirement to impact these trees then bat surveys would need to be undertaken and appropriate mitigation identified to mitigate any impacts to roosting bats.

A section of hedgerow will be required to be removed to accommodate the proposed access, it is noted that the indicative site layout plan identifies additional hedgerow planting around the site which would compensate for the loss of the section of hedgerow for the access.

Whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matters it is noted that the proposed plans indicate the provision of landscaping including what appears to be some hedgerow and tree planting as part of the proposed development. The provision of landscaping is welcomed, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.

Given the rural location of the proposed development and identification of suitable bat roosting and foraging/commuting opportunities careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.

Mitigation measures have been identified with regards to protected species within Section 4.4. of the Preliminary Ecological Assessment Report, the measures proposed are considered to be appropriate and in accordance with recognised guidelines. It is recommended that implementation and adherence to the measures identified is secured through and appropriately worded condition.

Therefore it is considered that additional information is required to be submitted prior to determination of the application in the form of a Detailed Construction Pollution Prevention Plan for the construction Phase of the proposed development this information is required to enable the LPA to assess the potential impacts of the proposed development to European protected sites i.e. the River Wye SAC and to inform the required HRA Screening Assessment.

## NRW

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

Condition 1: The works at the site must be undertaken in accordance with the Pollution Prevention Plan (Pollution Prevention Plan, CB3 Consult, Ref. C914/PPP dated October 2017).

Condition 2: The operational phase of the development complies with all avoidance and mitigation measures described in section 4 of the Ecological Assessment. These measures must be set out in a method statement and secured through planning conditions and/or a Section 106 Agreement.

#### Pollution Prevention Plan

We have reviewed the Pollution Prevention Plan (CB3 Consult, Ref. C914/PPP dated October 2017) submitted in support of the proposal. All works at the site should be undertaken in accordance to this Plan.

Condition 1: The works at the site must be undertaken in accordance with the Pollution Prevention Plan (Pollution Prevention Plan, CB3 Consult, Ref. C914/PPP dated October 2017).

Reason: To prevent polluting the Dunhow SSSI which is connected to a stream which runs near to the proposal site.

The applicants should be reminded – should any pollution occur on site, NRW must be notified immediately on 03000 653 000.

#### European Protected Species

NRW is satisfied that the Preliminary Ecological Assessment (Turnstone Ecology, dated October 2016) has been carried out to an acceptable standard. The report states that no evidence of protected species was found on site except for a potential bat roost within one of the trees at the proposed development site. Due to the proximity of woodland and mature hedgerows to the proposal, bats are likely to use the site for foraging and use the hedgerows as flight lines.

The block plan for the proposal shows the retention of most existing hedgerows and the mature standard trees as well as supplementary planting of native hedgerows and young trees.

We agree with the Preliminary Ecological Assessment's conclusion that the proposal is not likely to impact adversely on protected species provided the avoidance and mitigation measures recommended in section 4 of the report are included within a method statement and implemented during the construction phase. Of importance is the external lighting design which must be in accordance with The Bat Conservation Trust 'Bat and Lighting in the UK' guidance. It is also important that an appropriate ZPA is identified and protective fencing erected around all retained trees, this will secure that any bat roosts that might be present will not be directly affected by the work.

Condition 2: The operational phase of the development complies with all avoidance and mitigation measures described in section 4 of the Ecological Assessment. These measures must be set out in a method statement and secured through planning conditions and/or a Section 106 Agreement.

### Statutory Protected Sites

The proposal is connected hydrologically to the River Wye Special Area of Conservation (SAC) by Gloew Brook, which runs alongside the proposal site.

We advise that the proposal may have implications for the SAC, SPA or Ramsar sites listed above and, as part of any planning application submitted the local authority will need to carry out a test of likely significant effects under regulations 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

We remind you that the competent authority, for the purposes of the 2010 Regulations must not normally agree to any plan or project unless they are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

Without prejudice to any assessment by the Local Planning Authority, our initial opinion is; provided the work is undertaken in accordance with the Pollution Prevention Plan, the proposal is unlikely to have an adverse effect on the protected sites.

### Foul Drainage

We understand from the 'Drainage Strategy Report' (CB3 Consult, Report o: C915 dated August 2017) that the foul drainage of this proposal will be drained by means of mains sewer and that the applicants are in consultation with DCWW regarding a connection.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website. We have not considered potential effects on other matters and do not rule out 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.

### CADW

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.

### 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.

### CPAT

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

### **Representations**

The application was advertised through the erection of a site notice and press advertisement. At the time of writing the report 20 objections had been received and are summarised below;

- The site is located outside the development boundary in both the Unitary Development Plan and the emerging Local Development Plan
- Housing market in Builth is finite
- Concerns regarding highway safety; the access being dangerous, and the road being too narrow
- Concerns raised regarding surface water removal proposals
- Concerns regarding the capacity of the foul drainage system

- Proposed development will impact on views from existing properties
- Concerns raised regarding the house types with 4 and 5 bedroom dwellings provided
- Concerns that the proposed development would have an impact on house values in Hill View Estate
- Concerns regarding the impacts on the amenity and privacy of neighbouring properties
- Proposed development could destabilise the existing dwellings
- Proposed dwellings won't be affordable for local people
- Public services in Built are already over-stretched
- Consideration must be given to the trees covered by Tree Preservation Orders
- Concerns regarding potential impact of the development on biodiversity
- Concerns raised regarding the impact of the development on landscape and visual amenity
- Other locations for development are preferable in Built
- The development would be an incursion in to the open countryside and poorly related to services.
- Concerns raised regarding the impact of the development on water pressure which is already an issue in the Hill View Estate.

It is also advised that at pre-application consultation stage a petition against the development was submitted to the developers.

### **Planning History**

No history as per GIS

### **Principal Planning Constraints**

Tree Preservation Order

### **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 10 – Tree Preservation Orders (1997)

Technical Advice Note 11 – Noise (1997)

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 ENV4 – Internationally Important Sites  
UDP ENV7 – Protected Species  
UDP ENV 8 - Tree Preservation Orders  
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

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.

### Principle of Development

The proposed development lies wholly outside the settlement boundary of Builth Wells and would result in a residential development of 40 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.

Builth Wells is defined as an Area Centre in the UDP. Area Centre settlements normally act as an important service hub to the surrounding area.

It is noted that the settlement of Builth Wells is served by both primary and secondary schools, supermarket, petrol stations, arts centre, social and health services and a wide range of financial and retail services. It is also noted that it is served by bus routes with regards to public transport.

Officers acknowledge that a number of dwellings have already been consented in and adjoining the settlement. Evidence provided for the LDP examination demonstrates that there is a planned future growth for Builth Wells of 150 dwellings. The total units planned for is therefore 191, this includes proposed allocated sites in the Local Development Plan (102 dwellings in total) and those which currently benefit from planning permission. The Inspector's report on the LDP has yet to be submitted and as such little weight can be afforded to its content.

As the site is adjoining an Area Centre which benefits from a wide range of services, the site is considered to be a sustainable 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 30% 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. On this basis, the 30% provision figure suggested is considered compliant with the principle of policy HP7.

### 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.

Concern has been expressed by third party representations regarding the impact of the proposed development on the amenity of neighbouring properties. 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 north. More importantly it shows that a residential development of 40 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 northern 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 an unacceptable impact on neighbour amenity. Regarding views from existing properties and house values, these are not material planning considerations that Officers consider you can give weight to.

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 adjoining an existing residential estate known as Hill View.

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, 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 within Builth Wells, and 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 B4520 highway. It is located outside the 30mph speed limit.

Access is a matter to be considered under this application and as such the Highway Authority were consulted on the application. Initial concerns were raised regarding the proposed development and further information was requested. The Highways Authority provided further comment and stated that the 85<sup>th</sup> percentile of traffic along the highway was 45 and 46 mph. They commented stating that in order for a safe access to be provided the speed limit would need to be reduced. This was requested as a condition of any grant of consent along with a number of highway conditions.

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.

The proposed development seeks to connect to the main foul sewer system. Concerns have been raised locally that the sewerage system in the area is at capacity.

Welsh Water were consulted on the application and stated that there was whilst clean water could be provided that there was insufficient capacity in the existing foul sewerage network and at Builth Waste Water Treatment Works to accommodate the proposed development.

Further investigation works were undertaken by Welsh Water which concluded that a suitable surface water removal scheme would mitigate the risk to the existing foul sewerage network and Waste Water Treatment Works. A surface water removal scheme and drainage strategy plan were submitted in support of the application and Welsh Water confirmed that there was no objection to the proposed development subject to a condition being attached to any consent requiring the submission of a comprehensive surface water strategy.

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).

A Preliminary Ecological Assessment Report was submitted in support of the application. Both Natural Resources Wales (NRW) and the Powys Ecologist have been consulted on the application.

No objection has been received in relation to the impact of the proposed development on protected species. A number of trees are located on site, and these are protected by a Tree Preservation Order. In light of this conditions have been requested by the Powys Ecologist securing a Tree and Hedgerow Protection Plan, landscaping scheme and lighting scheme and will be attached to any grant of consent.

The site also lies within 1km of the River Wye Special Area of Conservation (SAC) and River Wye (Upper Wye) Site of Special Scientific Interest. Initial concerns were raised by both NRW and the Powys Ecologist due to a lack of information concerning pollution prevention and potential impacts on these statutory designated sites. Following this a Pollution Prevention Plan was submitted.

NRW responded stating that whilst the LPA are the competent authority provided the work is undertaken in accordance with the Pollution Prevention Plan, the proposal is unlikely to have an adverse effect on the protected sites. A Habitats Regulation Assessment Screening has been requested from Powys Ecology to confirm this and will be provided in the form of an update report.

In light current evidence (awaiting Ecologist response), the proposed development is considered to be acceptable subject to conditions.

### 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; 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 however 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 40 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. 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 30% 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.

5. 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.

6. No development shall commence until a scheme for the reduction of the speed of traffic travelling past the new access has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

7. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the new footway along the B4520 which shall link into the existing footway at the Hill View estate to the north of the site.

8. Prior to the occupation of any dwelling the footway, referred to above, shall be fully completed to the written approval of the local planning authority and retained for as long as the development hereby permitted remains in existence

9. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

10. No other development shall commence until provision within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area has been completed. This parking and turning area shall be constructed to a depth of 0.300 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.

11. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

12. The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

13. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

14. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

15. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 77 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

16. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

17. Prior to the occupation of the any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three spaces excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

18. The width of the access carriageway, constructed as Condition 16 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

19. Prior to the beneficial use of the new access any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

20. Upon formation of the visibility splays as detailed in 15 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

21. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.



22. No storm water drainage from the site shall be allowed to discharge onto the county highway.

23. No development shall commence on site until a comprehensive surface water strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the removal of existing surface water from the offsite public sewerage network as outlined in the Drainage Strategy Report ref C915. No dwellings shall be occupied until the agreed scheme has been completed.

24. Prior to the commencement of development a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

25. 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 Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

26. 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.

27. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

28. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

29. Prior to the commencement of development a method statement for the mitigation measures identified within Section 4. of the Preliminary Ecological Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

30. No development shall take place, nor any site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees and hedgerows shown to be retained on the drawing entitled 'Illustrative Layout Only'. The approved scheme shall be carried out throughout the course of the development and shall include:

- a) a plan showing the position of every tree and hedgerow on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
- b) and in relation to every tree identified a schedule listing:
  - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
  - any proposed pruning, felling or other work;
- c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
  - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
  - all appropriate tree and hedgerow protection measures required before and during the course of development (in accordance with BS5837:2012).
- d) areas of existing landscaping to be protected from construction operations and the method of protection.

31. The works at the site must be undertaken in accordance with the Pollution Prevention Plan (Pollution Prevention Plan, CB3 Consult, Ref. C914/PPP dated October 2017).

## **Informative Notes**

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