

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
**Council Chamber - Neuadd Maldwyn,
Welshpool, Powys**



Meeting Date
Thursday, 8 March 2018

County Hall
Llandrindod Wells
Powys
LD1 5LG

Meeting Time
**3.00 pm or on the later arrival of the
Committee**

For further information please contact
Carol Johnson
01597826206
carol.johnson@powys.gov.uk

2 March, 2018

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

AGENDA

The Committee will meet at Neuadd Maldwyn at 1400 hrs to undertake a site visit

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| 1. | APOLOGIES |
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To receive apologies for absence.

Planning

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| 2. | DECLARATIONS OF INTEREST |
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

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| 3. | PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE |
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To consider the reports of the Head of Regeneration and Regulatory Services and to make any necessary decisions thereon.

(Pages 3 - 4)

3.1. Updates

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(To Follow)

3.2. P/2017/1348 Welshpool Social Club Bronybuckley Welshpool Powys SY21 7NJ

(Pages 5 - 34)

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| 4. | DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS |
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To receive for information a list of decisions made by the Head of Regeneration and Regulatory Services under delegated powers.

(Pages 35 - 40)

**Planning, Taxi Licensing and Rights of Way Committee
8 March 2018**

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

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| Application No: | Nature of Development: |
| Community: | Location of Development: |
| O.S. Grid Reference: | Applicant: |
| Date Received: | Recommendation of Head of Planning: |

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|---|---|
| <p>P/2017/1348</p> <p>Welshpool</p> <p>322403.82 307756.16</p> <p>01.12.17</p> | <p>Full: Demolition of existing building and erection of 17 no. flats</p> <p>Welshpool Social Club Bronybuckley Welshpool Powys SY21 7NJ</p> <p>Mr Harry Bowen Mid Wales Property High Street Merchants House Newtown Powys SY16 2NR</p> <p>Recommendation:</p> <p>Conditional Consent</p> |
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3.2

Planning, Taxi Licensing and Rights of Way Committee Report

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|---------------------------|---|--------------------|--|
| Application No: | P/2017/1348 | Grid Ref: | 322403.82 307756.16 |
| Community Council: | Welshpool | Valid Date: | Officer: 01/12/2017 Tamsin Law |
| Applicant: | Mr Harry Bowen Mid Wales Property High Street Merchants House Newtown Powys SY16 2NR | | |
| Location: | Welshpool Social Club Bronybuckley Welshpool Powys SY21 7NJ | | |
| Proposal: | Full: Demolition of existing building and erection of 17 no. flats | | |
| Application Type: | Application for Full Planning Permission | | |

The reason for Committee determination

The application was called in by the local Member.

Site Location and Description

The site currently houses a building formerly used as the Welshpool Social Club. Due to the topography of the site the building is stepped up the bank. The existing building measures approximately 20 metres in width and 38 metres in depth. The southern elevation of the building measures approximately 9.8 metres in height with a flat roof that continues the length of the building. At the point the building lies adjacent to dwelling on Bronybuckley the height of the building is 4 metres.

The front building will comprise 14 flats and will measure a maximum of 9.2 metres to the eaves and 12.3 metres to the ridge, with a width of 18 metres and a depth of 22.1 metres. Due to the topography of the site the front elevation of the building is on a lower level than the rear elevation. The rear building will measure a maximum height of 8.3 metres to the ridge falling to 5.6 metres at the eaves, with a width of 13.6 metres and depth of 8.8 metres. The building will be finished with red brick and concrete panels, with dark grey upvc windows and a dark metal roof.

The proposed development seeks consent for two buildings to contain 14 and 3 affordable flats. One building will be located to the front of the site and a smaller building to the rear, between the two buildings access will be created and parking will be provided. An area to the front of the site will also be utilised for parking.

The site is brownfield land located within the development boundary of Welshpool as defined by the Powys Unitary Development Plan. The site is bound to the north east and west by existing residential dwellings and to the south by an access road and the Welshpool library.

Consultee Response

Welshpool Communtiy Council

1st Response

P/2017/1348 Welshpool Social Club Bronybuckley Welshpool Powys
Demolition of existing building and erection of 17 no. flats with 17 car spaces.

There were a significant number of members of the public present.

The scheme comments from the Council consultation at the pre-application stage were:

- i) The scheme as drawn is an overdevelopment of the site and the design does not complement the properties around it. (Particularly regarding material use).
 - ii) The car parking provision is not adequate and access not appropriate.
 - iii) Access for emergency vehicles does not appear to be taken into account.
 - iv) Adequate turning facilities for cars and other vehicles (such as a hospital minibus) needs to be provided.
 - v) Any scheme should respect the adjoining properties and take into account privacy and loss of light.
 - vi) A review of the number of units available for disabled users' needs to be undertaken.
- ix) Access for wheelchair users needs to be addressed.
- vii) The footpath from Bron y Buckley to the lower part of the site should be retained in some form.

A note of the public comments is attached to these minutes.

The Committee OBJECTS to this application on the following grounds:

- i) The proposals are an overdevelopment of the site and not in keeping with the character of the area in which it is located.
- ii) There is inadequate parking space for both the residents of the flats proposed and for visitors.
- iii) There is inadequate road access to the lower level and the road at the upper level is not wide enough to accommodate more traffic movements.
- iv) There are no disabled spaces shown on the plans.
- v) The issue of overlooking of adjoining properties has not been addressed.
- vi) There is insufficient provision for emergency services.
- vii) There is inadequate provision for wheelie bins and re-cycling boxes.
- viii) The footpath from the lower to upper level is very close to the windows of the properties proposed.
- ix) There appears to be inadequate access for all (i.e. wheelchair users)

The Committee also suggests that access from Brook Street directly be considered.

The Committee was also concerned about construction traffic and how this might access the site for construction.

The issue of ensuring adequate sewerage provision was raised due to the difficulties encountered in other areas of the town.

It is understood that Cllr G Breeze has asked that the application be considered by Committee and it is therefore requested that such a meeting is held in Welshpool.

2nd Response

Good afternoon. Thank you for your letter regarding the above application due to be considered by the Councillors at a meeting on 2nd March. I confirm that my Council would like to speak.

I am also writing to object to the location - this application is of great interest to residents here in Welshpool. You might like to know that many can ill afford to come this distance and you may also like to note that 30% of residents in Welshpool do not have a car or van!

Please can you reconsider - if you need accommodation in our Town Hall for this one we can arrange this at no cost.

Finally the meeting is on 2nd March and yet no meeting is listed on the web site link given. Perhaps you can confirm the date.

If you insist upon hosting this meeting away from North Powys can we have confirmation that the application will be on first so that we can arrange transport as a Council for residents who wish to attend probably by coach.

PCC - Highways

1st Response

The County Council as Highway Authority for the County Unclassified Highway, U4409

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application should be deferred.

Reasons for Deferral

Section 3.2.2 of the Transport Statement is slightly misleading, in that there is no current vehicular access into the upper part of the site, and figure 3.2 (swept path analysis) should include dimensions.

Whilst the Highway Authority do not disagree on the requirement for a Travel Plan to be submitted along with the application, we still require justification to be submitted at this stage to show how the applicant has calculated the reduction in parking bays. The PAC data submitted includes a Highways update, stating that 18 parking bays are to be provided, yet this application has reduced that figure to 17. Furthermore, the census data submitted in

support of reducing the parking provision is for 'flats', whereas the majority of residential properties in the immediately surrounding streets are semi-detached and terraced houses.

Although the lane giving access to the bottom part of the site is in the ownership of Powys County Council, the applicant does not appear to elaborate on what if any Right of Way exists.

To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

2nd Response

The County Council as Highway Authority for the County Unclassified Highway, U4409

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC2 The gradient of the upper access shall be constructed so as not to exceed 1 in 15 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.

HC6 Prior to the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U4409 road effective over a bandwidth of 2.4 metres measured from 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. This condition relates to the upper part of the site.

HC9 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 17 cars excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

HC11 Prior to 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 0.4 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.

HC12 The width of the access carriageway, shall be not less than 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC6 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.

HC31 The area of the private drive, parking spaces and 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.

HC32 No surface water drainage from the site shall be allowed to discharge onto the county highway.

PCC - Building Control

Building Regulations application required.

Wales and West Utilities

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

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

Severn Trent

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 rather than to named individuals, including the STW ref within the email/subject.

Cllr Graham Breeze

I wish to call in planning application number (P/2017/1348) – Welshpool Social Club - on the following grounds:

Highway safety.
Access.
Size of development.
Impact on neighbouring properties.

Could you please acknowledge receipt of my request.

PCC - Environmental Health

I have no objection to the application provided that

1. STW confirm that there is sufficient capacity in the foul drainage system to accommodate the additional waste
2. There is adequate provision for storage of waste.
3. A condition is added to protect residents during the construction phase noise control

Due to the residential nature of the setting, Environmental Health will require 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.”

PCC - Rights of Way

Public footpath G35 abuts the eastern edge of the site. Whilst the development should not directly affect the footpath, the applicant/developer needs to ensure that the footpath is not obstructed or interfered with during development no matter how temporary.

PCC - Affordable Housing

Whilst it is noted that the applicant intends that all dwellings proposed will be affordable, our minimum requirements are as follows:

We seek provision of affordable housing on residential development sites in accordance with the Affordable Housing Topic Paper September 2016, and the following guidelines to be 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.

PCC - Ecologist

Thank you for consulting me with regards to planning application P/2017/1348 which concerns a full planning application for demolition of existing building and erection of 17 no. flats at Welshpool Social Club, Bronybuckley, Welshpool.

I have reviewed the proposed plans submitted, aerial images of the surrounding habitats, as well as reviewing local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 367 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are three statutory designated sites present within 500m of the proposed development:

- Bron-Y-Buckley Wood - SSSI
- Montgomery Canal – SSSI
- Montgomery – SAC

Having reviewed the location and nature of the proposed development in relation to the Montgomery Canal SAC it is considered that there is no direct connection between the proposed development site and the Montgomery Canal SAC. There are roadways and residential can commercial properties between the proposed development site and the Montgomery Canal SAC. Given the lack of connection between the proposed development site and the nature of the development it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required. There are no non-statutory designated sites present within 500m of the proposed development.

An Ecological Survey Report has been submitted to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

I have reviewed the submitted Preliminary Environmental Appraisal produced by Greenscape Environmental Ltd dated July 2017, I consider that the survey effort employed was in accordance with National Guidelines.

The Preliminary Environmental Appraisal included desktop survey of the area, a day time survey to assess for potential access features present for bats to gain access and evidence of bats as well as evidence of nesting birds. The day time survey was carried out on the 14th June 2017. A precautionary phase 2 bat activity surveys were also carried out as part of the assessment.

Habitat present was a building structure set on an area of hard standing including tarmac parking and paved area.

The survey found that the building was in good condition and offers little potential features for bats to gain access to the building and no roosting features or evidence of bats was recorded. No physical evidence of bats was found on the exterior or within the building. During the precaution survey which took place on the evening the initial survey was carried out recorded a low number of common pipistrelles foraging around the building throughout the survey, but no emergence of bat were recorded from the building.

No nesting birds were observed on the exterior of the building. Swift were seen in the area, therefore it is recommended swift boxes to be installed within the proposed development.

No ponds were identified within 250m of the proposed development.

Other mammals, birds and herpetofauna were considered – the site was assessed as not suitable to support species therefore no negative impact is foreseen.

Given the results of the Preliminary Environmental Appraisal report, I consider that the proposed development will not result in any direct negative impacts or loss of biodiversity at the site.

It is recommended in the report that provisions of bat and swift boxes are provided within the proposed development.

External Lighting

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute – which was also noted in the survey report. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscaping

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

The recommended measures in section 6 of the Preliminary Environmental Appraisal Report produced by dated July 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

PCC - Schools Services

In relation to this planning application as there is surplus capacity in local schools, the Schools Service will not be submitting a Section 106 bid for monies.

NRW

Diolch am ymgynghori gyda Cyfoeth Naturiol Cymru ynglŷn a'r cais uchod.

Rydym wedi adolygu'r cais cynllunio gyflwynwyd i ni, ac o'r wybodaeth a ddarparwyd nid ydym o'r farn bod y datblygiad arfaethedig yn effeithio ar fater a restrwyd ar ein Rhestr Wirio, *Cyfoeth Naturiol Cymru ac Ymgynghoriadau Cynllunio (Mawrth 2015)*: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=cy>. Felly, nid oes gennym unrhyw sylwadau i'w gwneud ar y datblygiad arfaethedig.

Sylwer nad yw ein penderfyniad i beidio â rhoi sylwadau yn golygu na allai bod yna bosibilrwydd i'r datblygiad arfaethedig effeithio ar fuddiannau eraill, gan gynnwys buddiannau amgylcheddol o bwysigrwydd lleol.

Dylai'r ymgeisydd gael ei hysbysu mai hwy, yn ogystal â chaniatâd cynllunio, sydd yn gyfrifol am sicrhâi bod ganddynt yr holl drwyddedau/caniatadau sy'n berthnasol i'w datblygiad.

Hyderwn fod y sylwadau uchod o gymorth, fodd bynnag, os oes gennych unrhyw ymholiadau, mae croeso i chi gysylltu â mi.

Cofion Cynnes

Dear Tamsin

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, *Natural Resources Wales and Planning Consultations (March 2015)*: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

CPAT

Thank you for the consultation on this application.

Information retained within the Regional Historic Environment Record indicates that the development is partly located over the site of a former house and outbuilding recorded on the 1840 tithe and first edition OS maps of Welshpool. The building probably pre-dates 1840, but we have no indication of its date of origin. The building was demolished when the current Social Club was built and now lies under the car park at the south end of the site. Sub-surface remains of the foundations of this building are likely to appear when the car park area is broken up. We would therefore require an appropriate level of archaeological monitoring during the initial ground preparation and construction phase to identify and record any buried features that may be revealed.

Accordingly we would recommend that an archaeologist is contracted to be present throughout the duration of initial topsoiling, ground preparation and foundation excavation works in order that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with the guidance set out in Welsh Government TAN 24: The Historic Environment (May 2017) Planning Policy Wales (Chapter 6, Edn.9 Nov 2016).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI).

A suitable condition to facilitate the contracted watching brief is provided below along with a guidance note for the applicant on how to commission archaeological works.

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic

Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

I have attached a guidance note on the completion of a watching brief together with advice about engaging archaeological contractors who may wish to tender for the work. General watching brief requirements for archaeological contractors are also attached. Please forward these to the applicant so that they are fully informed of the requirements.

Powys Contaminated Land

1st Response

In relation to Planning Application P/2017/1348, the following advice is provided for the consideration of Development Control.

Advice

1. Historic ordnance survey (OS) maps identify that the application site was previously occupied by a railway. Land associated with railways has the potential to be affected by land contamination; the Department of the Environment, Industry Profile 'Railway Land' (1995) provides guidance concerning the potential sources of contamination.

2. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: *"responsibility for determining the extent and effects of instability or other risk 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"*.

However, no information has been submitted in support of Planning Application P/2017/1348 in relation to the potential land contamination risks associated with the proposed development.

3. 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/2017/1348.

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/2017/1348:

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition 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).

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 3. Submission of Remediation Scheme

No development shall take place until 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 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition 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)

Condition 4. 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. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of measures identified in the approved remediation scheme, a verification 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.

All work and submissions carried out for the purposes of this condition 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).

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)].

2nd Response

The following document has been submitted in support of planning application P/2017/1348:

□ Terrafirma 'Geo-Environmental Desk Study Report: Proposed Residential Development, Former Social Club, Brook Street, Welshpool' (ref: 14547) January 2018.

Based on the information submitted in the above referenced document, the following advice is provided for the consideration of Development Control. This advice supersedes that provided previously in the memorandum (ref: WK/201722658) dated 14 December 2017, which was issued to Development Control in respect of planning application P/2017/1348.

Advice

1. Under section 2.3.2 'Radon', of the 'Geo-Environmental Desk Study Report' (ref: 14547), it is stated: "[...] *no radon protection will be required for the new development.*"

Development Control should consult with Building Control to confirm the requirements for radon protection measures.

2. Section 4 'Recommended Site Investigation', of the 'Geo-Environmental Desk Study Report' (ref: 14547), provides outline proposals for an intrusive site investigation.

The intrusive site investigation should be designed, justified and completed in accordance with current guidance and best practice such as BS10175:2011+A1:2013 'Investigation of Potentially Contaminated Sites – Code of Practice'.

Furthermore, a detailed scope of works for the intrusive site investigation, including details of the risk assessment methodologies, which has been prepared by an experienced and qualified environmental consultant, should be submitted for review and approval prior to the investigation being undertaken.

3. Section 4.4 'Laboratory Chemical Analysis', of the 'Geo-Environmental Desk Study Report' (ref: 14547), provides the proposed chemical analysis suite that soil samples will be tested for.

It is recommended that the Department of the Environment, Industry Profile 'Railway Land' (1995) should be consulted to identify all the potential contaminants of concern associated with the former use of the application site. For instance, consideration should be given to including in the testing suite contaminants such as ethylene glycol, creosote and herbicides.

4. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document '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 information provided, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for planning application P/2017/1348:

Condition A

Condition 1. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the

local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 2. Submission of Remediation Scheme

No development shall take place until 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 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, 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.

All work and submissions carried out for the purposes of this condition 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).

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.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of measures identified in the approved remediation scheme, a verification 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.

All work and submissions carried out for the purposes of this condition 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).

Condition 4. 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.

Representations

The application was advertised through the erection of a site notice and through press advertisement.

10 objections have been received to the proposed development and are summarised below;

- Development will negatively impact the view from dwellings
- Concerns regarding the impact of the proposed development on amenity in relation to privacy and overshadowing
- Land stability concerns
- Concerns that the proposed development would have an overbearing impact
- Concerns regarding highway safety and parking provision
- Concerns regarding demolition works and its impact on neighbouring properties
- Concerns regarding access in to town and the impact increased traffic would have
- Impact of the proposed development on the drainage system
- The development would dominate the area
- The proposed design is unimaginative and out of keeping with the area
- The proposed building projects further forward than the social club
- The site has been used for over 50 years as some form by the community
- No amenity space for the residents of the flats
- Would question the location of the accessible flats at the rear of the site
- The site is not allocated in the UDP nor the LDP for housing

One letter of support has been received and is summarised below;

- The development is a highly sustainable and innovative approach

- The project has received approval from the Welsh Government's Innovative Housing Programme
- Will be an exemplar for timber construction in the UK and for the Powys Wood Encouragement Policy

Planning History

No relevant planning history

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2014)

TAN 15 – Development and Flood Risk (2004)

TAN 18 - Transport (2007)

TAN 23 – Economic Development (2014)

Local Policies

UDP DC1 - Access by Disabled Persons

UDP DC10 - Mains Sewage treatment

UDP DC13 - Surface Water Drainage

UDP DC15 – Development on Unstable or Contaminated Land

UDP ENV 2 - Safeguarding the Landscape

UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats

UDP ENV 7 - Protected Species

UDP DC8 - Public Water Supply

UDP DC9 - Protection of Water Resources

UDP GP1 - Development Control

UDP GP4 - Highway & Parking Requirements

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP5 - Residential Developments

UDP HP7 - Affordable Housing within settlements

UDP SP14 - Development In Flood Risk Areas

UDP SP3 - Natural, Historic and Built Heritage

UDP TR11 – Canal Restoration and Related Developments

UDP TR14 – Other Canal Related Development

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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 application is located wholly within the settlement development boundary of Welshpool as defined by the Powys Unitary Development Plan. As such the application is considered to meet the requirements of policy in relation to the principle of development.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site currently houses a building formerly used as the Welshpool Social Club. Due to the topography of the site the building is stepped up the bank. The existing building measures approximately 20 metres in width and 38 metres in depth. The southern elevation of the building measures approximately 9.8 metres in height with a flat roof that continues the length of the building. At the point the building lies adjacent to dwelling on Bronybuckley the height of the building is 4 metres.

The front building will comprise 14 flats and will measure a maximum of 9.2 metres to the eaves and 12.3 metres to the ridge, with a width of 18 metres and a depth of 22.1 metres. Due to the topography of the site the front elevation of the building is on a lower level than the rear elevation. The rear building will measure a maximum height of 8.3 metres to the ridge falling to 5.6 metres at the eaves, with a width of 13.6 metres and depth of 8.8 metres. The building will be finished with red brick and concrete panels, with dark grey upvc windows and a dark metal roof.

The proposed development seeks consent for two buildings to contain 14 and 3 affordable flats. One building will be located to the front of the site and a smaller building to the rear, between the two buildings access will be created and parking will be provided. An area to the front of the site will also be utilised for parking.

It is noted that in third party correspondence that concerns have been raised in relation to the impact of the proposed development on the landscape and on views. Whilst the impact of a development on a view is not a material consideration the impact of the proposed development on the character and appearance of the area is a consideration.

The buildings have been designed to be in keeping with the surrounding dwellings, using red brick to tie the dwellings with the adjoining estate. Whilst the dwellings surrounding the site are predominantly two storey dwellings, due to the topography of the site and the existing building which will be removed it is considered that the buildings will successfully assimilate into the surrounding area. The use of dark upvc and a metal roof, whilst not a material used regularly in surrounding buildings does not detract from the character and appearance of the area.

It is therefore considered that the proposed development does not adversely affect the character and appearance of the area properties and is therefore compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will provide 17 parking spaces for the 17 flats. Concerns have been raised by third parties that the proposed development would have a detrimental impact on highway safety due to the fact that Bronybuckley, which will be used to access the site, experiences parking problems and that there is not sufficient parking provided to serve the development.

Following consultation with the Highways Authority initial queries were raised regarding the information submitted. Following the receipt of clarification from the applicant the Highways Authority removed their objection to the proposed development subject to conditions being attached to the grant of any consent.

Whilst the concerns from third parties regarding the parking provision are acknowledged, one parking space per flat is provided, and the proximity of the development to the town centre means that there will not be as much reliance on using a private vehicle. It is also noted that there would not appear to be parking provided for the existing use as a Social Club which could generate significant traffic movements.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movement. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

Concerns have been raised from third parties in relation to the impact of the proposed development on residential amenity.

It is acknowledged that the proposed development would be a taller structure than the existing building on site. At its closest the proposed development would be located the following distances from nearby residential dwellings;

- Bronhaul Isaf – approximately 7.1 metres
- Bronhaul – approximately 11.7 metres
- 60 Bron y Buckley – approximately 9.6 metres
- 61 Bron y Buckley – approximately 11.7 metres

In the eastern elevations (closest to Bronhaul Isaf and Bronhaul) of the proposed development the agents has identified on the plans that any fenestration would be obscure glazing. This will overcome the concerns raised regarding the potential for overlooking.

With regards to the impact of the development on Bronhaul Isaf the proposed building would draw the building line further forward in the site than is currently existing. Bronhaul Isaf's primary elevation and garden is south facing and as such benefits from light throughout the day. Whilst the development would have an effect on the dwelling due to the orientation of the dwelling and the proposed development, the use of obscure glazing and the distance maintained between the two sites it is considered that the impact on the dwelling would not be sufficient to warrant refusal of the application on this ground.

With regards to the impact on other residential dwellings the development has been designed to reduce any detrimental impact, with the rear building being a lower height than the adjoining residential dwellings. Due to the buildings orientation and distance maintained between adjoining properties it is considered that the proposed development would not have a detrimental impact on the amenity of neighbouring properties.

Following consultation with Environmental Health no objection has been raised regarding neighbour amenity subject to a condition being imposed on any grant of consent limiting the days and hours of construction.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Community Facility

Policy CS2 states that the loss of premises through alternative development proposals, or parts of premises, used for community purposes, including meeting halls and places of worship will be resisted unless it can be demonstrated that the premises are no longer appropriate or required for community use; alternative solutions to support the use have been explored and appropriate alternative provision exists within the community.

Information submitted in support of the application details that the existing use ceased due to declining membership and the rising costs of running the building. The premises was marketed for 14 months with the only serious interest being from Montgomeryshire Youth Theatre who failed to secure funding however the declining state of the building meant this was an unviable.

The site is also in close proximity to the centre of Welshpool which benefits from a wide range of services including public houses, restaurants etc.

As such it is considered that the site is no longer required for community use and that adequate alternative provision is available in close proximity to the site. As such the proposed development is considered to be in accordance with policy CS2.

Biodiversity

Consultation was undertaken with the Powys Ecologist who offered no objection to the proposed development subject to conditions requiring landscaping. Discussion was undertaken with the agent who advised that no landscaping was proposed as the only area of open space would be provided in the forms of an amenity space for the accessible flats at the rear of the site. As such it is not considered necessary to attach this condition.

Powys Ecology also note that the site is in close proximity to the Montgomery Canal SAC, however in their response they state that the proposed development has no links with the SAC and as such a HRA it not required.

In light of the above observations, Development Management considers the proposed development to be in accordance with the relevant policies of the Powys UDP in respect to biodiversity.

Contaminated Land

Policy DC15 requires that proposals on land known or suspected to be contaminated will only be permitted where the applicant demonstrates that the proposal will not result in problems of contaminations either on or of the site or unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests.

In support of the application a Report on a Geo-Environmental Desk Study Report completed by TerraFirma was submitted. The Contaminated Land Officer was consulted on the application and offered no objection to the proposed scheme provided that a number of conditions are attached to any grant of consent.

In light of the above observations, Development Management considers the proposed development to be in accordance with DC15 of the Powys UDP in respect to contaminated land.

RECOMMENDATION

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. The recommendation is therefore one of approval subject to the conditions below.

Conditions

1. The development to which this permission relates must be begun not later than five years beginning with the date on which this permission is granted.
2. The development shall be carried out strictly in accordance with the documents received on 1/12/2017 (Design and Access Statement, Transport Statement, Asbestos Demolition Report and Preliminary Environmental Appraisal) and plans (S052.3.01, S052.1.20 Rev K, S052.1.40 Rev C, S052.1.19 Rev H, S052.1.21 Rev L, S052.1.22 Rev K, S052.1.23 Rev M, S052.1.26 Rev J, S052.1.28 Rev M, S052.1.29 Rev L, S052.1.30 Rev K, S052.1.35 Rev C, S052.1.33 Rev E, S052.1.37, S052.1.38, S052.1.39
3. Notwithstanding the approved plans the windows in the side elevations of the flats (as detailed on plan S052.1.27 Rev K) shall be obscure glazed.
4. The gradient of the upper access shall be constructed so as not to exceed 1 in 15 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.
5. Following demolition of the building and before any other development commences clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U4409 road effective over a bandwidth of 2.4 metres measured from 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. This condition relates to the upper part of the site.
6. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 17 cars excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
7. Following demolition of the building and before any other development commences 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 0.4 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.
8. The width of the access carriageway, shall be not less than 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
9. Upon formation of the visibility splays as detailed in 5 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.
10. The area of the private drive, parking spaces and 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.

11. No surface water drainage from the site shall be allowed to discharge onto the county highway.

12. Following demolition of the building and before any other development commences drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

13. 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.

14. The recommended measures in section 6 of the Preliminary Environmental Appraisal Report produced by dated July 2017 shall be adhered to and implemented in full and maintained thereafter.

15. No external lighting shall be installed unless a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration has been submitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

16. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

17. Following demolition of the building and before any other development commences a site investigation of the nature and extent of contamination shall be carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

18. Following demolition of the building and before any other development commences 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 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, 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.

All work and submissions carried out for the purposes of this condition 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).

19. 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.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of measures identified in the approved remediation scheme, a verification 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.

All work and submissions carried out for the purposes of this condition 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).

20. 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'

21. Following demolition and before any other development commences a scheme for the provision of affordable housing as part of the development shall be 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
- 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.

Reasons

1. In compliance with section 91 of the 1990 Act.
2. To ensure compliance with submitted plans.
3. In the interests of neighbour amenity in accordance with policy GP1 of the Powys Unitary Development Plan.
4. In the interests of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
5. In the interests of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
6. In the interests of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
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9. In the interests of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
10. In the interests of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
11. In the interests of highway safety in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
12. In accordance with policy DC11 of the Powys Unitary Development Plan (2010).
13. In order to ensure that the construction of the development does not have a detrimental impact on neighbour amenity in accordance with policy GP1.
14. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

15. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

16. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

17. 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.

18. 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.

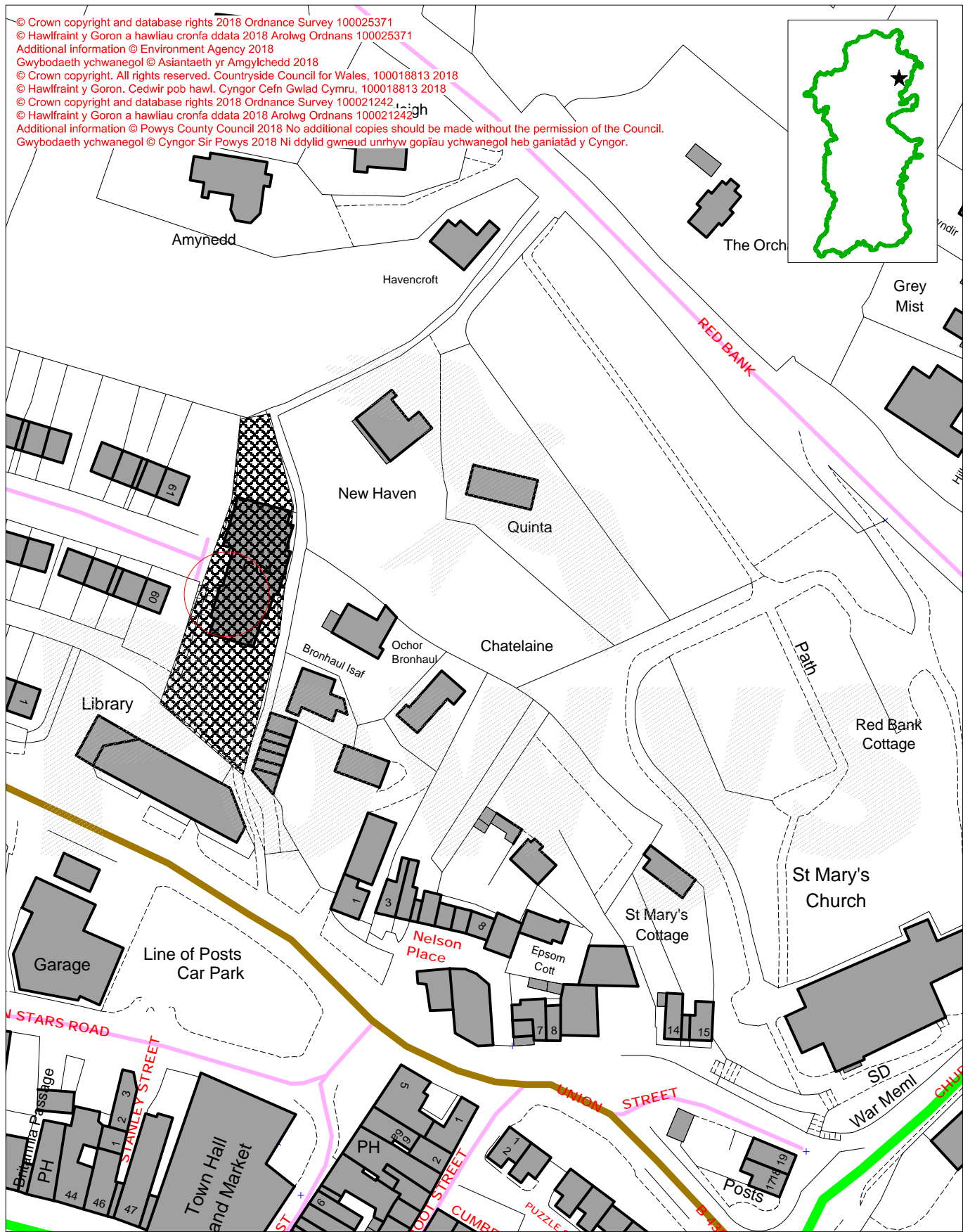
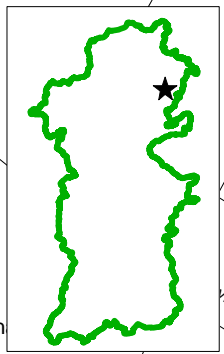
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

20. 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.

21. In order to ensure that the proposed development remains affordable in perpetuity in line with TAN2.

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Delegated List

13/02/2018**21/02/2018**

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

FOR INFORMATION

**Decisions of the Head of Regeneration, Property & Commissioning on
Delegated Applications**

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|------------------------|-------------------|-----------------|---------------------------------|--|---|
| P/2017/0991 CLA1 | 29/08/2017 | LAWFUL USE | 14/02/2018 | Section 191 application for lawful development certificate for existing use to establish residential use of land | Little Penthryn Llandrinio Lanmynach SY22 6RR |
| P/2017/1220 REM | 18/10/2017 | CONSENT | 14/02/2018 | Section 73 application to vary condition no. 2 attached to planning permission P/2013/0130 to allow design changes | Barn F Whitney-On-Wye Cabalva Farm Hereford HR3 6EX |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|---|--|
| P/2017/0063 FULL | 17/01/2017 | CONSENT | 15/02/2018 | Erection of 2x holiday lets | Under Moorwood Leighton Welshpool SY21 8LN |
| P/2017/0264 FULL | 03/03/2017 | CONSENT | 15/02/2018 | Full: Erection of a detached outbuilding comprising a 3 bay domestic garage and associated parking area with WC and store in connection with Rosehill and two storey office accommodation in association with existing Farrier business | Rose Hill Forden Welshpool SY21 8TR |
| P/2017/0771 FULL | 06/07/2017 | CONSENT | 15/02/2018 | Full: Construction of detached dwelling, installation of package treatment plant and formation of new vehicular access off public highway | Hillis Farm Llanfilo Brecon LD3 0RH |
| P/2017/0863 FULL | 09/08/2017 | CONSENT | 15/02/2018 | Full: Erection of a 32,000 bird poultry unit, feed bins, formation of new vehicular access and all associated works | Tyncelyn Oakley Park Llanidloes SY18 6LP |
| P/2017/0956 FULL | 12/09/2017 | REFUSE | 15/02/2018 | Full: Proposed erection of 1no eco-dwelling | Land at Kincoed Farm Mochdre Newtown SY16 4JW |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|--|--|
| P/2017/1216 FULL | 26/10/2017 | REFUSE | 15/02/2018 | Full: Change of use of land for the siting of three holiday pods, creation of parking area and all associated works | Tynewydd Tal-y-Wern Machynlleth SY20 8NZ |
| P/2017/1246 FULL | 14/11/2017 | CONSENT | 15/02/2018 | Full: Change of use of part of enclosure 3771 from touring caravans for holiday and storage purposes to siting of 6 no. static caravans for holiday purposes | Land at Mill Caravan Park Three Cocks Brecon LD3 0SL |
| P/2017/1341 FULL | 07/12/2017 | CONSENT | 15/02/2018 | Full: Installation of a 20.0m lattice mast, supporting 3no antenna, 2no 600mm | Land at Revolution Bike Marsham St Llangynog SY10 0EP |
| P/2017/1467 FULL | 18/12/2017 | CONSENT | 15/02/2018 | Full: Construction of a new livestock building | Fanfawr Pontfaen Brecon LD3 9RT |
| P/2017/1336 FULL | 13/11/2017 | CONSENT | 16/02/2018 | Full: Erection of 3 no. holiday chalets, laying of access road and installation of septic tank drainage system | Plas Robin Llandyssil Montgomery SY15 6LQ |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|------------------------|-------------------|-----------------|---------------------------------|---|--|
| P/2017/1358 HOUS | 27/11/2017 | CONSENT | 16/02/2018 | Householder: Erection of a new conservatory on the existing flat roof of garage | Ty Isaf Ceinws Machynlleth SY20 9EX |
| P/2017/1409 FULL | 30/11/2017 | CONSENT | 16/02/2018 | Full: Erection of an agricultural building for the storage of machinery | Dolobran Hall Pont Robert Meifod SY22 6JE |
| P/2017/1431 FULL | 08/12/2017 | CONSENT | 16/02/2018 | Full: Change of use of property from commercial use (hair salon) to residential use including proposed parking area | Tangles Salon Four Crosses Llanymynech SY22 6RB |
| P/2017/1469 FULL | 18/12/2017 | CONSENT | 16/02/2018 | Full: Proposed construction of a farm building | The Gables Llanfyllin SY22 6UQ |
| P/2017/1507 FULL | 21/12/2017 | CONSENT | 16/02/2018 | Full: Demolition and erection of replacement dwelling | Frochas Cottage Frochas Welshpool SY21 9JD |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|---|--|
| P/2017/1138 FULL | 16/10/2017 | CONSENT | 19/02/2018 | Full: To demolish the existing dwelling and rebuild dwelling with a septic tank | 2 The Burlands Gipsy Castle Lane Hay-on-Wye HR3 5PW |
| P/2017/1306 HOUS | 09/11/2017 | CONSENT | 19/02/2018 | Householder: Demolition of the existing outbuilding & attached store, erection of a two storey extension and internal & external alterations | Wergliodd-Gam Mochdre Newtown SY16 4JP |

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