



The indicative layout shows a road which does not accord with our adoptable standards due to the fact that the turning head will not permit HGV's to turn nor has a service strip been indicated.

Prior to any other works commencing on the development site, detailed engineering drawings for highway and junction improvements on the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all highway improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Prior to any other works commencing on the development site, detailed engineering drawings for the creation of a footway from the application site to the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all footway construction works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

The gradient of the site access 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.

The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

Prior to the commencement of the development the access shall be constructed so that there is clear visibility 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 0.6 metres above ground level at the edge of the adjoining carriageway and 25 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 areas 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.

Prior to the commencement of the development 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.

The width of the access carriageway, constructed as above, shall be not less than 5.5 metres for a minimum distance of 10 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.

Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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.

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.

#### Building Control

This development will require a building regulation to be submitted the applicant/agent can contact me for any advice.

#### Wales and West Utilities

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

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

#### Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### SEWERAGE

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

## WATER SUPPLY

Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to drawing reference: PL-01 Revision C it appears the proposed development would be situated within the protection zone of the public water main measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss our concerns and consider possible solutions. Alternatively we recommend the proposed development is repositioned to accommodate for the required protection zone.

We have attached a copy of the water main record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant:

*The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.*

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence.

## Environmental Health

Due to the residential setting of the proposed development the Environmental Protection Section will require that measures are in place, by way of a planning condition recommendation, to control the level of noise disturbance to neighbouring properties during the landscaping and construction phases of the development.

It would be 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 from the site must also only take place within the permitted hours detailed above.

In addition details of the proposed package treatment plant or septic tank should be provided and if a drainage field is to be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the package plant or septic tank, its soakaway and the ground conditions are suitable and sufficient for the foul drainage. The percolation test should be carried out in accordance with document H2 of the Building Regulations and calculations to be submitted for approval by completing and returning the attached Percolation Test Calculation Form.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out, so that a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

*Correspondence received 1<sup>st</sup> March 2018 –*

As the proposed sewage treatment plant is to be connected to a watercourse then I would have no objection subject of course to the applicant obtaining the necessary consent to discharge from NRW and is installed in accordance with Building Regulations.

Built Heritage Conservation Officer

Thank you for consulting me on the above application.

The proposal is for outline planning permission for 8 dwellings with all matters reserved with the exception of the access which is to be determined at this stage

The proposal is adjacent to a historic asset namely;

Listed Buildings

Glasbury Methodist Church Cadw ID 17199 included on the statutory list on 18 January 1996.

Cwmbach is a small cluster of properties with the application site being a parcel of land to the north west of the listed chapel and on a parcel of land that is higher than the B4350 in front of the chapel.

Cwmbach is not included in the CPAT analysis of historic rural settlements however the 1887 OS map illustrates a similar arrangement and number of properties as the current day.

<http://maps.nls.uk/view/101605166>

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

There are six principles.

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

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

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

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

#### Evidential Value

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

Glasbury chapel is located along the side the road from Glasbury to Boughrood, at the eastern edge of the hamlet of Cwmbach, within its narrow graveyard which extends further to the West.

The building is constructed of rubble stone, rendered, lined and painted, with slate roof half-hipped to the E. The entrance is central to the S side, away from the road; a pair of panelled

doors in a heavy frame, with painted fanlight over. To either side, paned windows with timber 'Y'-tracery in pointed headed openings. Similar windows on the N (road) side. Close eaves. Small W gable window with diamond glazing also with a pointed head. Attached to the E gable, the former schoolroom or vestry, now kitchen and meeting room, with door to road and six-paned windows. Gable stack

### Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them.

Glasbury chapel is a Wesleyan Chapel built circa 1818 seating about 80 with monuments to local persons within the chapel.

### Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The views currently afforded of the chapel are important and evoke a sense of the past and the significance of the chapel to this rural community both socially and in terms of the religious history of Wales.

### Communal Value

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

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 where, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting.

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

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

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

Powys Unitary Plan policies ENV14 and SP3b reflect national legislation and guidance and Policy GP1 requires development to take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

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

The document provides advice on how to assess the setting

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

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

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

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

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

It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application nor was a Design and Access Statement available on the planning portal.

Stage 2 of the Cadw document is to consider the location of the historic assets, its original location the views into and out of the site at that time and how more recent changes have affected the original layout of the historic asset and its relationship to its associated landscape. Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed.

The application site is a parcel of land sited adjacent to the listed chapel with the B4350 between the application site and the listed chapel and the application site being on higher land.

Whilst noting the mature hedgerow/trees that are adjacent to the B4350 and between the application site and the listed chapel, the height difference between the application site and the small listed chapel is of concern, and especially the proximity of the dwellings to the listed chapel, which it is considered will as result of the higher land have an overbearing and dominant affect on the setting of the listed chapel. The proximity of the dwellings to the trees is also noted and whilst the trees currently provide some screening of the site from the B4350 and as such the setting of the chapel, the proximity of such large trees to the proposed dwellings and gardens is noted with concern for the future of the trees.

I acknowledge that the application is in outline and that the submitted layout is indicative only, and whilst a full application would have been desirable to assess the impact of height design, materials and landscaping, the application is outside a conservation area where outline applications are permitted, and as such the assessment of the individual dwellings will be made at reserved matters stage.

Nevertheless I would have grave concerns with the proposal on the basis of the indicative plan and would consider that the dwellings adjacent to the B3450 would severely affect the setting of the listed Glasbury Methodist Chapel, and would again note the concerns that the impact of the development on the listed building has not been addressed in the application.

The new Cadw guidelines in respect of setting makes reference to tree covers and whether it is deciduous or evergreen and its likely longevity. The guidance also refers to dependant on the level of mitigation can include the introduction of screening if within the application boundary. The trees are mature and large and as such their retention would be desirable both in their own right but also as a screening of the listed chapel. However the proximity of development to the trees is noted and whilst accepting that landscaping is a reserved matter, give the proximity of the dwellings to the trees, the long term future of the trees both in terms of root damage and the impact that the trees could have on the dwellings in terms of loss of light to windows and gardens is a concern for their long term future.

I would therefore request that the site layout be reconsidered to illustrate a layout that could be achieved without adversely affecting the setting of the listed building.

This could be achieved by a reduction in numbers or by a reconfiguration of the layout with the plot or plots adjacent to the B4350 being sited substantially further away from the trees to secure the retention of the trees which currently form an effective screen to the chapel and by possibly re-orientating the dwelling or dwellings on this portion of the plot so that an attractive and appropriately designed elevation faces the B4350.

I note the recently refused application on the same site P/2015/1176, which in some respects indicated a more appropriate indicative layout and as such it would seem that a more appropriate layout could be achieved. However plot 5 would still have had an impact on the setting of the listed chapel is constructed as indicated.

Whilst accepting that the application is made in outline and as such siting, materials scale and design will be considered at reserved matters stage, I would express concern at development in such close proximity to the listed chapel especially given the height difference between the 2 sites and that a dwelling in the location shown would have an adverse and sever impact on the listed building.

I would suggest that a revised site layout be submitted where the south east section of the site be treated with more care in terms of the impact on the listed chapel and preferably this section of the land to be omitted from development. The impact of the development in respect of the listed building should also be clear from the application which I would consider that it is not in this instance.

Section 6.1.4 of Planning Policy Wales 9th edition “Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values.”

Section 1.26 of TAN 24 advises that “It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings.”

Without such amended plans I would have to object to the proposal on the grounds that the development would adversely affect the setting of the designated heritage asset Glasbury Methodist Church Cadw ID 17199. The proposed development would be extremely close to the B4350 and the application site is higher than the chapel which sits to the SE of the B4350. The proximity and difference in ground levels would result in the land being developed as shown to have an overbearing and dominant impact on Glasbury Methodist Church especially if the existing screening is lost or modified by the development or the future occupants of the proposed dwellings.

As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Plan Policies Policy SP3b, ENV14 and GP1.

The application fails to meet national policy (Section 6.1.4 of Planning Policy Wales 9th edition), national guidance (Section 1.26 of TAN 24 and Section 2.2 of Managing Setting of Historic Assets in Wales) and Local Plan Policy ENV14 in that inadequate information has been provided in respect of the setting of historic assets to enable the current application to be considered favourably.

*Correspondence received 28<sup>th</sup> February 2018 -*

I can confirm that I am happy in principle for the development of the site, which appears large enough to accommodate the number of dwellings proposed. I do have concerns with the development of the portion of the site adjacent to the listed chapel as illustrated on the indicative layout plan. I accept that this application is outside a conservation area and as such outline applications are permitted, I also acknowledge that the site is allocated in the UDP and that the indicative layout plan is merely indicative to illustrate how such a number of properties can be accommodated on the plot and that this may have no relationship to any subsequent reserved matters stage.

Further to my comments I note that an assessment of the impact of the proposal on the setting of the listed chapel has now been received, and whilst not in agreement with every statement I acknowledge the contents of that assessment.

I accept that the site appears to be large enough to accommodate 8 houses without there being an adverse impact on the setting of the listed chapel, and whilst I still have concerns with the indicative layout for the area adjacent to the chapel as submitted and would consider that it would be preferable for a revised indicative layout plan to be submitted addressing the adjacent listed chapel, I acknowledge that this is an area where an outline application is permitted and that the plans are indicative only.

On the understanding that the concerns raised in respect of the setting of the listed chapel will be addressed at reserved matters application stage, and that an assessment of how the reserved matters application would impact on the setting of the listed chapel would be required as part of that application, I would withdraw my previous objection to the proposal in respect of the information submitted with the application, and would not object in principle to the development.

Given the height differences I would however suggest that a pre-planning application enquiry prior to the submission of the reserved matters application may be useful to address the issues at an early stage.

I trust that this is helpful and I would be grateful if you could consider this response as an update to my previous comments.

Clwyd Powys Archaeological Trust

I can confirm that we had no direct consultation from Powys CC on this application. The application was checked against the HER information from the planning list in January and there are no recorded archaeological sites within the plot.

The nearest recorded site is the Grade II listed Glasbury Methodist Church across the road to the south east. While there may be a limited impact to the setting of the chapel from the nearest plots (6-8) there is currently a high tree screen on the south east boundary (Google Earth streetview imagery 2016) which would substantially screen these new dwellings. If the tree screen is not being maintained, or has since been felled, then the setting impact will be higher, but has not been quantified by any formal setting impact assessment (see Managing the Setting of Historic Assets in Wales 2017). Reducing the size of the development by removing plots 6-8 and maintaining a hedge/tree screen on the south east boundary would most likely clear the current objection from the Built Heritage Conservation Officer.

The plot is within the Middle Wye Valley registered historic landscape and the Cwmbach historic landscape character area. The development is not of such a scale that it would have a more than local impact and we would not require an ASIDOHL v2 assessment in this case to determine its impact on the historic landscape.

Overall, we would have no objection to this development assuming the visual impact on the setting of the listed chapel can be mitigated.

### Natural Resources Wales

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 30/01/2018.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

#### Summary of Requirements:

Requirement 1 – Applicant to supply additional information regarding the existing drainage from the farm which will be treated by the proposed new package treatment plant

#### Summary of Conditions:

Condition 1 – EPS: Prior to commencement of works a method statement, detailing reasonable avoidance measures and works required to maintain hedgerow connectivity for bat and dormouse will be submitted to the satisfaction of the Local Planning Authority

#### Water Quality

The discharge is located within a Drinking Water Protected Area. Further information is required in relation to the proposed package treatment plant and proposed discharge pipe before NRW can be sure that the proposed sewage treatment will no adversely impact water quality.

NRW need the applicant to provide the following additional information to support their application:

Requirement 1 – Applicant to supply additional information regarding the existing drainage from the farm which will be treated by the proposed new package treatment plant NRW needs further information about how the additional existing drainage from the farm (mentioned on the North West corner of the location plan, drawing ref: PL-01), which will also be treated by the new package sewage treatment plant has been considered in terms of the overall package treatment plant sizing.

NRW need the applicant to confirm that the watercourse which the applicant proposes to discharge into has water flowing in it throughout the whole year (i.e. it does not dry up).

### Protected Species

NRW consider the submitted assessment (Extended Phase 1 Habitat Survey by Rachel Probert dated October 2017) to be satisfactory for the purposes of informing the public decision making process. The report has identified potential for bat and dormouse use of the hedgerows present on site. NRW has multiple records of dormice and bats in very close proximity of the proposed development site. The proposal has therefore the potential to disturb /harm dormice and lead to a loss of flight lines and foraging ground for bats.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (SI2017 No.1012). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

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

In this case, the report concludes that the proposed development is not likely to directly harm or disturb bats and dormice or their breeding sites and resting places. We agree with the ecologist's conclusion and we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, if avoidance measures described in section 10 and 11 of the ecological report are implemented.

Therefore, we are satisfied the significant concerns identified above can be addressed, subject to all avoidance measures described in the ecological report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Condition 1 – EPS: Prior to commencement of works a method statement, detailing reasonable avoidance measures and works required to maintain hedgerow connectivity for bat and dormouse will be submitted to the satisfaction of the Local Planning Authority

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

*Correspondence received 28<sup>th</sup> February 2018 –*

Thank you for sending the additional information regarding NRW's concerns for application ref: P/2018/0106.

I can confirm that the additional information regarding the foul waste from the Farmhouse to the PTP is sufficient to address Requirement 1 of our letter dated 22/02/18.

## **Representations**

The proposed development has been advertised by site display and within the local press. At the time of writing this report, 4 representations have been received by Development Management. The concerns expressed therein can be summarised as follows;

- Highway Safety – Dangerous Access and Increased Traffic Movements;
- Water Supply – Deed of Easement entitles neighbouring properties to water supply;
- Third Party Land – No certificate served on landowner;
- Surface Water and Flooding;
- Impact on Mains Power Cables;
- Adverse Impact on Biodiversity and Protected Species;
- Sewage Treatment;
- Sustainability;
- Transparency – Need for impartial decision making.

## **Planning History**

P/2014/0770 – Full: Erection of four detached houses with detached garages, creation of new vehicular access and all associated works. Application Withdrawn.

P/2015/1176 – Full: Erection of five detached open market houses and associated garages and three affordable houses to include creation of new access and installation of package treatment plant. Application Refused 7<sup>th</sup> September 2016.

## **Principal Planning Constraints**

- Historic Landscapes Register – Outstanding
- Site located within proximity of a grade II listed building.

## **Principal Planning Policies**

National Planning Policy

Planning Policy Wales (2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)  
Technical Advice Note 2 – Planning and Affordable Housing (2006)  
Technical Advice Note 5 – Nature Conservation and Planning (2009)  
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)  
Technical Advice Note 11 – Noise (1997)  
Technical Advice Note 12 – Design (2016)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 23 – Economic Development (2014)  
Technical Advice Note 24 – Historic Environment (2017)

### Local Planning Policy

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage  
SP5 – Housing Developments  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV1 – Agricultural Land  
ENV2 – Safeguarding the Landscape  
ENV3 - Safeguarding Biodiversity and Natural Habitats  
ENV4 – Internationally Important Sites  
ENV5 – Nationally Important Sites  
ENV6 – Sites of Regional and Local Importance  
ENV7 – Protected Specie  
ENV14 – Listed Buildings  
ENV16 - Landscapes, Parks and Gardens of Special Historic Interest  
HP3 – Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP5 – Residential Developments  
HP10 - Affordability Criteria  
DC8 – Public Water Supply  
DC9 – Protection of Water Resources  
DC11 – Non-mains Sewage Treatment  
DC13 – Surface Water Drainage  
DC14 – Flood Prevention Measures  
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (SPG).

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.

### Planning History

Members are advised that a previous application was considered under planning reference P/2015/1176 which sought full planning permission for the erection of 8 dwellings comprising of 5 open market and 3 affordable units. This application was refused at the meeting of the Planning, Taxi Licensing and Rights of Way Committee on the 6<sup>th</sup> July 2016 on the following ground;

*The proposed development would result in the increased use of a substandard junction detrimental to highway safety and movement. As such, the proposal is contrary to policies GP1, GP4 and HP5 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales.*

The current submission seeks to address the reason for refusal as stated above and proposes improvements to the junction of the C1368 and County Class II highway located to the south of the application site. Due consideration of the above together with all other material considerations will be given within the relevant sections of the report below.

### Principle of Development

For the purposes of the Powys UDP, the site subject to this application is located within the settlement development boundary of Cwmbach and allocated for housing - R47 HA1. The UDP inset map confirms that the provision of 8 dwellings on the allocated site would be an appropriate level of growth for Cwmbach within the plan period. The inset map further confirms that a proportion of affordable housing will be sought on sites with the capacity to accommodate 5 or more dwellings.

Given the housing allocation and scale of the proposed development, Officers consider that the proposed development is fundamentally in accordance with planning policy and as such, the principle of development is considered to be acceptable. Furthermore, given the allocation within the plan, Officers consider this to be a sustainable location for residential development.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst matters relating to scale, appearance, layout and landscaping are reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the proposed residential development without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Highway Safety and Access

UDP policy GP4 confirms that permission for development will be dependent on adequate provision for highway access including visibility, turning, passing and parking. Access to the proposed site of development will be provided via a new access off the county highway (C1368) whilst turning and parking provision will be provided within the application site boundary.

The application proposes improvements to the junction of the C1368 and B4350 together with the re-alignment of the existing give way at the junction of the C1343 and B4350 as detailed on drawing no. F\_01 Rev A. Following consultation, the Highway Authority has offered no objection to the proposed development subject to appropriate conditions being attached to any grant of consent.

Officers acknowledge the concerns expressed within third party representations however in light of the Highway Authority's comments, it is not considered that sufficient weight can be given to these concerns to justify a refusal on highway safety grounds. Therefore, notwithstanding the observations made, subject to the imposition of the recommended conditions, Development Management considers that adequate highway provision is capable of being provided, compliant with policy GP4 of the Powys Unitary Development Plan.

### Biodiversity and Protected Species

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to maintain biodiversity and safeguard protected species and their habitats. The application is accompanied by an Extended Phase 1 Habitat Survey which assesses the impact of the proposed development on European Protected Species, birds, reptiles and badgers.

Within their consultation response, Natural Resources Wales (NRW) confirm that there are multiple records held of dormice and bats within close proximity of the application site and therefore acknowledge the potential for the proposal to impact Protected Species. Nevertheless, having reviewed the ecological assessment submitted, Natural Resources Wales (NRW) has confirmed that the proposal is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, providing that the avoidance measures detailed within section 10 and 11 of the report are secured by condition.

In light of the comments received and notwithstanding the third party concerns expressed, Officers do not consider that the proposed development will unacceptably adversely affect

Protected Species or their habitats. On this basis, it is considered that the proposed development is in accordance with policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note 5 and Planning Policy Wales.

### Built Heritage

Technical Advice Note 24: The Historic Environment states that 'when considering any applications for listed building consent, the Local Planning Authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Glasbury Methodist Church, a grade II listed building is located within approximately 12 metres of the southern site boundary and separated by mature hedgerows and the public highway.

Whilst acknowledging the initial concerns expressed by the Council's Built Heritage Officer, the application is submitted in outline with matters relating to appearance, scale, layout and landscaping reserved for future consideration. Members are advised that detailed consideration of the proposed development in terms of scale, layout and appearance will be undertaken at such time that an application for the approval of reserved matters is received.

### Welsh Water Easement

Development Management understand from Welsh Water that a water main crosses the south western corner of the application site. Within their response, Welsh Water indicate that the current layout suggests that the proposed dwellings will be located within the protection zone (3 metres either side of the pipe centreline). On this basis, it is recommended that the plan be amended or a diversion sought from Welsh Water.

Whilst acknowledging the Welsh Water response, given that this is an outline planning application with layout reserved for future consideration, Officers are satisfied that this constraint can be appropriately considered at reserved matters. The applicant's agent has confirmed that they are aware of the existence of the water pipe and are satisfied that suitable provision can be made within the layout at reserved matters or a diversion sought if this is not possible.

### Third Party Land

It is claimed within a third party representation received that the application site boundary includes a strip of land outside of the control of the applicant and thereafter questions the validity of the planning application given that the appropriate notice has not been served.

The area of land in question relates to a narrow, triangular strip located along the south western boundary of the application site, adjoining No.2 Sunnybank Cottages. Having undertaken a Land Registry Search, Development Management understands that the land was sold by Powys County Council in 2013 to the owners of No.2 Sunnybank Cottage.

Based upon the official title plan obtained and notwithstanding the concerns expressed, Development Management is satisfied that the area of third party land has been excluded

from the application site boundary (red line) and therefore do not consider it necessary for the applicant to serve notice on the landowner.

#### Deed of Easement – Water Supply

Reference is made to an existing water supply and deed of easement within a number of the third party representations received. Although these concerns are acknowledged by Officers, it is considered that this is legal matter, independent of the planning regime and therefore would not be affected by the grant of any subsequent planning permission.

#### Surface Water Drainage and Flood Risk

Concerns have been expressed regarding drainage of the site and potential flood risk. Members are advised that the site of development is not located within a C2 flood zone or other flood risk area for the purpose of Technical Advice Note 15 (2004) and therefore Officers do not consider that a reason for refusal on such grounds would be reasonable.

In respect of drainage, Members are advised that condition 7 as recommended requires full surface water drainage details to be submitted prior to the commencement of development. On this basis and in accordance with guidance contained within TAN15 and Planning Policy Wales, Officers are satisfied that an adequate drainage system can be secured by condition thereby reducing potential surface water run-off and potential flood risk.

#### Private Treatment Plant

UDP policy DC11 indicates that where it is not feasible for development proposals to connect to the public foul sewerage system, permission will be granted for the provision of private treatment plants providing that ground conditions in terms of porosity and drainage are acceptable and will not give rise to pollution or amenity problems.

The proposed development includes the provision of a private treatment plant and discharge to an existing watercourse. In their original response, NRW indicated that the site is located within a Drinking Water Protected Area and therefore further information was requested in respect of the proposed treatment plant and discharge pipe. In addition to the above, NRW requested confirmation as to whether the adjoining watercourse flows throughout the year.

In response to the above request, the applicants agent confirmed that the package treatment plant will also serve Rogerstone Farm however will only collect foul water discharge from the farmhouse and no discharges from the farm itself. It is understood that the new package treatment plant will be sized so as to be able to cater for both the existing farmhouse and the proposed residential development.

In their response of 28<sup>th</sup> February 2018, NRW confirm that the additional information provided is sufficient to address requirement one of their letter dated 22<sup>nd</sup> January 2018.

In light of the above and subject to an appropriate condition requiring details of the proposed drainage scheme to be submitted, it is considered that the installation of the proposed package treatment plant is fundamentally in accordance with policies DC9 and DC11 of the Powys Unitary Development Plan.

## **RECOMMENDATION**

Having carefully considered the proposed development and notwithstanding the concerns expressed by third parties, Officers consider that the proposed development is in accordance with the aforementioned policies. The proposed development is considered to be of an appropriate scale and utilises an allocated housing site within a sustainable location. On this basis, the recommendation is one of consent subject to the conditions detailed below.

### Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: F\_01 Rev A & PL-01 Rev C).
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;*
  - 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*

6. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
7. Prior to the commencement of development, a Foul and Surface Water Drainage Scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the Foul and Surface Water Drainage Scheme so approved.
8. Full details of the existing and proposed ground levels of the application site together with the proposed finished floor levels of the proposed residential units shall be submitted to and approved in writing by the Local Planning Authority at the same time as the matters reserved to in condition 1 above. The development shall thereafter be undertaken in full accordance with the details so approved.
9. Prior to commencement of development a Method Statement detailing reasonable avoidance measures and works required to maintain hedgerow connectivity for bat and dormouse shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the Method Statement as approved.
10. Prior to any other works commencing on the development site, detailed engineering drawings for highway and junction improvements on the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
11. Prior to any works commencing on the development site, all highway improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
12. Prior to any other works commencing on the development site, detailed engineering drawings for the creation of a footway from the application site to the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
13. Prior to any works commencing on the development site, all footway construction works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
14. The gradient of the site access 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.

15. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
16. Before any other development commences the access shall be constructed so that there is clear visibility 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 0.6 metres above ground level at the edge of the adjoining carriageway and 25 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 areas 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.
17. Before any other development commences 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.
18. The width of the access carriageway, constructed as above, shall be not less than 5.5 metres for a minimum distance of 10 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.
19. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
20. No storm water drainage from the site shall be allowed to discharge onto the county highway.
21. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
22. 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.
23. 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.

24. 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 from the site must also only take place within the permitted hours detailed above.

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
7. To ensure a satisfactory drainage scheme in the interests of public amenity and the environment in accordance with policies DC9, DC11, DC13 and DC14 of the Powys Unitary Development Plan (2010), Technical Advice Note 15 (2004) and Planning Policy Wales (2016).
8. In order that the Local Planning Authority can assess changes in levels in the interest of the character and appearance of the surrounding area and to preserve the setting of the Methodist Chapel in accordance with policies SP3, GP1, ENV2 and ENV14 of the Powys Unitary Development Plan (2010), Technical Advice Note 24 – Historic Environment (2018) and Planning Policy Wales (2016).
9. In order to ensure that the proposed development safeguards the interests of Protected Species in accordance with policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
10. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016).
11. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4



24. In order to safeguard the amenities enjoyed by occupants of neighbouring properties by reasons of potential noise disturbance in accordance with policy of the Powys Unitary Development Plan (2010), Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).

### **Informative**

Welsh Water - The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

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