

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

<b>Application No:</b>	P/2017/1062	<b>Grid Ref:</b>	327029.73 318948.77
<b>Community Council:</b>	Llandysilio	<b>Valid Date:</b>	<b>Officer:</b> 27/09/2017 Gemma Bufton
<b>Applicant:</b>	Mr D.C. Roberts, Oldfield Farm, Four Crosses, Llanymynech, Powys, SY22 6RB.		
<b>Location:</b>	Land Adjoining Oldfield Farm, Four Crosses, Llanymynech, Powys, SY22 6RB.		
<b>Proposal:</b>	Outline: Residential development, formation of vehicular access and access road, and all associated works		
<b>Application Type:</b>	Application for Outline Planning Permission		

### The reason for Committee determination

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

### Site Location and Description

The application site is located within the Key Settlement of Four Crosses within the community council area of Llandysilio. The application site is located partially within the settlement development boundary for Four Crosses and then a portion is located outside and adjoining the settlement boundary. The application site is located with agricultural land located to the north and east. Whilst to the south are existing residential properties with the school and community centre and County Highway, U4908 located to the west.

Consent is sought in outline with some matters reserved except for access for the erection of residential development.

### Consultee Response

#### Llandysilio Community Council-

*Correspondence received 1<sup>st</sup> November 2017-*

Llandysilio Community Council have considered the above application and with to object for the following reasons;-

1. Contrary to Policy GP1 – Development Control

It is noted that part of the application site has been allocated within the Unitary Development Plan but the majority of the site is outside the settlement development boundary. The

Community Council wishes the site to be reduced in line with the attached map. This would then reduce the number of dwellings on the site to 24 which is more acceptable in terms of the allocated housing for Four Crosses which has been designated a large village. The extension of the site to the railway line cannot be justified in terms of meeting the shortage of housing supply as this is not a logical residential boundary.

## 2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations. The emerging Local development Plan indicates that 5596 dwellings are needed in Powys over the plan period which takes us to 2026. This equates to 1250 in relation to those settlements identified as large villages of which Four Crosses is one. Breaking this down further as there are 42 Large Villages in Powys that means a growth of 30 per village. There is already one site adjacent to the village boundary which has gained planning permission for 46 dwellings and another 2 sites currently under consideration for 35 dwellings each.

## 3. Contrary to Policy HP5 Residential development

This Policy states that the proposed development shall be of a scale, form and design and general character to reflect the overall character and appearance of the area. The Community Council mentioned at the pre-application stage that it felt that the line of trees to screen the playing field should also be continued in a straight line to the existing access road to Oldfield farm. This would then screen the playground from being overlooked and would result in the loss of plots 43,44, 45 & 46. This development site is at the heart of the village and should not dominate the entrance to the School & Village Centre.

## 4. Contrary to Policy DC9 – Protection of Water Resources

Evaluation is needed on the effects of the surface water drainage which would flow into the Sarn Wen Brook. Residents further downstream already experience problems with flooding and this site should not exacerbate this problem.

## 5. Contrary to Policy GP4 – Highways and Parking requirements

Oldfield Farm currently stores static caravans for refurbishment with caravans entering and leaving the Farm most days. It is with concern that it is noted that the existing entrance to the Farm is to be stopped up and that the caravans will be taken through a new entrance through the residential Estate.

## 6. Contrary to Policy SP1 Social, Community & Cultural Sustainability

Although this concern is listed last here, it is perhaps, the most important of all as no contribution has been put forward for the educational facilities at Llandysilio Church in Wales School. No contribution has been put forward to help the Llanfyllin Medical practice have the much needed extension at Four Crosses Surgery. Please see attached letter from Llanfyllin Medical Practice asking for financial help from developers.

No contribution has been put forward to enhance the recreational facilities at the village. In order for our Village to be able to cope with all the extra housing coming forward there has to be investment in the current services and infrastructure. There is currently a 3 week wait for

an appointment at the surgery in Four Crosses and a limited bus timetable to enable residents to travel to the main practice at Llanfyllin.

*Additional Correspondance 25<sup>th</sup> February 2018-*

Llandysilio Community Council have considered the amendments at their meeting held on Thursday 22<sup>nd</sup> February and wish to maintain their objection for the following reasons;-

1. Contrary to Policy GP1 – Development Control

Whilst part of the application site has been allocated within the Unitary Development Plan it should be noted that half the site is outside the settlement development boundary and should therefore only be considered if all the properties were designated affordable dwellings. The Community Council would like to see the site amended as per the attached plan which would continue the line of trees/hedging further. This is very important to prevent the School Playground (shown as hatched) from being overlooked.

2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations. The emerging Local development Plan indicates that 5596 dwellings are needed in Powys over the plan period which takes us to 2026. This equates to 1250 in relation to those settlements identified as large villages of which Four Crosses is one. Breaking this down further as there are 42 Large Villages in Powys that means a growth of 30 per village. There is already one site adjacent to the village boundary which has gained planning permission for 46 dwellings and with more applications now having been received there are now another 4 sites currently under consideration for a total of 75 dwellings.

3. Contrary to Policy HP5 Residential development

This Policy states that the proposed development shall be of a scale, form and design and general character to reflect the overall character and appearance of the area.

The Community Council mentioned at the pre-application stage that it felt that the line of trees to screen the playing field should also be continued in a straight line to the existing access road to Oldfield farm. This would then screen the playground from being overlooked. This development site is at the heart of the village and should not dominate the entrance to the School & Village Centre.

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No contribution has been put forward to enhance the recreational facilities at the village. In order for our Village to be able to cope with all the extra housing coming forward there has to be investment in the current services and infrastructure. There is currently a 4 week wait for an appointment at the surgery in Four Crosses and a limited bus timetable to enable residents to travel to the main practice at Llanfyllin.

### Powys Highways-

The County Council as Highway Authority for the County Unclassified Highway, U4908

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Recs:

The proposed development is located off a section of the now de-trunked highway within Four Crosses. As such, it has become a quiet no through road and therefore has excess spare capacity for the proposed traffic that could be generated by the development's traffic. In the Design and Access Statement reference is made to the site being accessible by all modes of transport and to help in achieving this goal we will require that the development incorporate Active Travel infrastructure to link the site into the centre of the village. The agent, acting for the applicant is aware and has agreed to this requirement and we therefore will recommend that an Active Travel shared use footway/cycleway is constructed along the entire site frontage and extend along the eastern edge of the county highway all the way down to the junction with the B4393 in the village.

Recs:

1. Prior to any works being commenced on the development site full engineering drawings for the off-site footway/cycle infrastructure together with traffic calming proposals along the U4908 shall be submitted and approved in writing by the local planning authority.
2. Prior to the occupation of any of the dwellings the highway improvements, referred to above, shall be fully completed to the written approval of the local planning authority.
3. Prior to the occupation of any dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

4. The centre line of the first 15 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.
5. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 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.
7. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
8. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
9. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 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.
10. The width of the access carriageway shall be not less than 5.0 metres along the access road 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.
11. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
12. Any internal side-road junctions shall have a corner radii of 6 metres.
13. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres

14. 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.

15. 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.

16. 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 15 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,

17. Upon formation of the visibility splays as detailed in condition 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.

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

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

#### Powys Building Control-

Building Regulations application required.

#### 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.

#### 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](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

*Additional Correspondance received 1<sup>st</sup> February 2018-*

I can advise we have no objections to the amended plans, and look forward to viewing the drainage proposals for site.

Powys Environmental Health-

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.”

Construction Method Statement

“No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during demolition and construction; and
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.”

*Additional Correspondance received 2<sup>nd</sup> February 2018-*

Thank you for the consultation on the amended plans. I have no further comments to add.

#### Powys Ecologist-

The site area is understood to be 2.99 hectares and includes up to 47 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The site appears to incorporate three agricultural (pastoral) fields located in the north of Four Crosses, bounded to the north, east and west by hedgerows and intersected through the middle by at least one hedgerow. There appear to be several mature trees within the hedgerow boundary to the north of the site.

#### European Species

Within 1km of the site there are records of Otter (within 560m), eight bat species (including a Soprano Pipistrelle within the site itself) and Floating Water-plantain (within 314m).

Although no aquatic habitats would appear to be affected by the proposal, the hedgerows and trees could provide suitable roosting and foraging habitat for various bat species. The hedgerows could also provide habitat for Dormouse.

Since no ecological information has been submitted with the proposal it is not currently possible to determine the impact on European Protected Species at the site.

An extended Phase 1 habitat survey including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will therefore need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application.



Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

### UK Species

In addition to the species listed above within 1km of the site there are records of Badger (including two records from the site itself), Grass Snake (within 611m) and various nesting bird species.

The habitats present at the site appear to be favourable to support nesting birds, reptiles, amphibians and Badgers (as confirmed by two historic records from the site).

Since no ecological information has been submitted with the proposal it is not currently possible to determine the impact of the proposal on Nationally Protected Species at the site. An extended Phase 1 habitat survey as specified above should therefore be completed and the accompanying report submitted prior to determination of planning.

### Section 7 Species and Habitats

In addition to the species mentioned above within 1km of the site there are records of Hare (within 647m). Hedgerows are also present within the site and would appear to be at risk from the development, particularly the intersecting hedgerow.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Since no ecological information has been submitted with the proposal it is not currently possible to determine the impact of the proposal on Section 7 Species and Habitats at the site. An extended Phase 1 habitat survey as specified above should therefore be completed and the accompanying report submitted prior to determination of planning.

### LBAP Species and Habitats

Please refer to the observations above.

### International Sites

The Montgomery Canal SAC is located approximately 430m to the west of the proposal. As the site is situated on the opposite side of the A483, with no distinct pollution pathways from the proposal, no adverse effects upon this site are considered likely.

#### National Sites

The Montgomery Canal SSSI is located approximately 430m to the west of the proposal. As the site is situated on the opposite side of the A483, with no distinct pollution pathways from the proposal, no adverse effects upon this site are considered likely.

#### Local Sites

None located within the search area

#### Recommendations

An extended Phase 1 habitat survey including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Conditions can be recommended on receipt of the additional ecological information requested above.

#### NRW-

*Correspondence received 19<sup>th</sup> October 2017-*

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 29/09/2017. NRW have no objection to the proposed development.

#### Pollution Prevention

Due to the scale of the proposed development, the application should be supported by a Pollution Prevention Plan

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site. No material is to be deposited within 10m of any watercourse without discussion with Natural Resources Wales. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000 65 3000. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should be supervised at all times - and preferably done on an impermeable surface.

All works at the site must be carried out in accordance with GPP5: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

## Waste

Due to the scale of the proposed development, the application should be supported by a Pollution Prevention Plan. The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

If during any construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

## Foul Drainage

We note from the application form that the proposed method for foul drainage is to mains sewer. Welsh Water should be contacted to ensure that there is sufficient capacity.

## Surface Water

As with any new development, it's important that any additional surface water run-off from any new buildings, hardstandings or road does not add any additional flood risk to third

parties. For all matters regarding surface water drainage, should be dealt with by the Lead Local Flood Authority.

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

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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

Additional Correspondence received 22<sup>nd</sup> February 2018-

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 01/02/2018. NRW have no objections to the proposed development.

#### Protected Species

We note that the ecological submission in support of the above application (Arbor Vitae dated January 2018) has identified that protected species are not present at the application site. From the information contained in the ecological report, we consider that the proposed development represents a lower risk for protected species.

Bats 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 protected species 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 harm or disturb protected species or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. Also, because the

development represents a lower risk to bats in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal, subject to all avoidance measures described in section 6 of the report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

NRW advises that any consent is subject to conditions that

- a) Protect trees located on the fringe of the development; and
- b) Submission of an external lighting and boundary feature plan

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that takes account of such changes.

Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance measures described in the revised bat report. If, in light of modifications, it was no longer possible to avoid harming or disturbing the protected species or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects.

#### Pollution Prevention

Due to the scale of the proposed development, the application should be supported by a Pollution Prevention Plan.

No material is to be deposited within 10m of any watercourse without discussion with Natural Resources Wales. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000 65 3000.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage.

All works at the site must be carried out in accordance with GPP5: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/485215/pmho0412b\\_wfe-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412b_wfe-e-e.pdf)

#### Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

If during any construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

#### Foul Drainage

We note from the application form that the proposed method for foul drainage is to mains sewer. Welsh Water should be contacted to ensure that there is sufficient capacity.

#### Surface Water

As with any new development, it's important that any additional surface water run-off from any new buildings, hardstandings or road does not add any additional flood risk to third parties. For all matters regarding surface water drainage, should be dealt with by the Lead Local Flood Authority.

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

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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

#### Welsh Government Transport

I refer to your consultation of 29/09/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

#### CADW-

Thank you for your letter of 29 September 2017 inviting our comments on the above planning application.

## Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

## Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

## National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

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

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

## Assessment

In response to a statutory pre-application consultation dated 10 August 2017, we provided the following advice:

“The application will be made in outline with all matters reserved except for access. The proposed access will be onto “The Street” to the west and will have to cross the

projected line of Offa's Dyke. Thus there is a probability that the proposed development will have a direct adverse impact on archaeological remains of National Importance. In such circumstances Planning Policy Wales section 6.5.6 gives clear guidance that

Where archaeological remains are known to exist or there is a potential for them to survive and a study has not already been undertaken by the applicant, the local planning authority should request an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation. The results of any assessment and/or field evaluation should be provided as part of a planning application and form part of the local planning authority's consideration of that application.

In this case, given that sufficient information already exists about the line of Offa's Dyke, we do not consider that there is a need for desk-based assessment to be produced. However, we do consider that there is a need for an archaeological evaluation to be carried out. Consequently, in our view, the proposed planning application should not be made until an archaeological evaluation has been carried out and the resulting report produced.

Insufficient information is therefore currently available to enable us to give an indication of our response to any future planning application for this development. However, it should be noted that Planning Policy Wales section 6.5.5 clearly states that 'Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ'.

Therefore our response will depend on the results of the archaeological evaluation and any amendments that result in regard to the proposed access road."

The Pre-Application Consultation report submitted with the application noted our advice and states that an archaeological contractor, Trysor, is putting together a written scheme of investigation document. However the work outlined in this document will need to be carried out and a report submitted before we will be in a position to provide detailed advice on the impact of the proposed development on the setting of scheduled monument MG033 which is a material consideration in the determination of this application (see planning policy Wales 6.5.5 quoted above).

#### *Additional Correspondence 16<sup>th</sup> February 2018-*

Thank you for your letter inviting our comments on the additional information including a new plan showing a reduction in the number of dwellings from 47 to 34 and a report on an archaeological evaluation of the application area.

#### Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. Our assessment of the application is given below.



## Assessment

The archaeological evaluation failed to locate the remains of Offa's Dyke suggesting that it is actually located beneath "The Street" to the west; however this work located a number of archaeological features including a likely Roman cremation burial and possible evidence of a Romano-British field system. The results of the archaeological evaluation have shown that the proposed development will not have any direct impact on an unscheduled section of Offa's Dyke and therefore it will cause no damage to the setting of Scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio.

## Contaminated Land-

In relation to Planning Application P/2017/1062, the following advice is provided for the consideration of Development Control.

### Advice

1. Historic ordnance survey (OS) maps identify that, to the East, the application site is adjoined by a former railway line, and adjacent to a former quarry (area of potential unknown filled ground).

Land associated with railways has the potential to be affected by land contamination; the Department for the Environment, Industry Profile 'Railway Land' (1995) provides information in respect of the potential contaminant sources.

Areas of unknown filled ground could be a potential source of land contamination depending on the type and nature of the materials that have been deposited as fill.

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 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".

However, no information has been submitted in support of Planning Application P/2017/1062 in respect of the potential land contamination risks to the proposed development.

Therefore, 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/2017/1062.

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/2017/1062:

#### 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)].

## 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.

### CPAT-

*Correspondence received 10/10/2017-*

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

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of extremely high archaeological sensitivity. The plot contains numerous recorded archaeological sites including:

PRN 28464 - An unscheduled section of Offa's Dyke running along the west boundary as a low earthwork which includes the former rampart bank and possibly sub-surface evidence of the eastern edge of the ditch.

PRN 38098 – Cae Hen Trackway. Double ditches recognised as cropmarks on an aerial photograph. Undated but possibly related to prehistoric or Roman period field boundaries.

PRN 17177 – Four Crosses Cropmark Complex. Large number of cropmarks of field systems, pit alignments, ring ditch burials and enclosures. Prehistoric to post medieval in date.

PRN 50519 – Four Crosses Field System. Extensive area of field boundary ditches recognised from aerial photography. Probably prehistoric to post medieval in date.

PRN 38097 Cae Hen Enclosure – D-shaped prehistoric or Roman period enclosure linked with ditch field system.

PRN 23661 – Four Crosses Barrow Cemetery. Cropmarks of ring ditch burial mounds dating to the Bronze Age scattered across this area and recognised as cropmarks from aerial photographs.

PRN 3605 – Four Crosses Barrow Cemetery Site 1. Ring ditch bronze age burial with associated Neolithic and Roman archaeology. Excavated by CPAT in 1981 – 83.

PRN 38102 Cae Hen Enclosure – Large sub-circular enclosure of probable prehistoric date and partially preserved in the south side of the field as a cropmark recognised by aerial photography. Not excavated in the 1981-83 CPAT excavations to the north.

In addition there are numerous adjacent recorded features including pit alignments and ditch systems which may extend into the application area. There will also be a large number of sub-surface archaeological features which aerial photography has not recorded of prehistoric and later date.

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

Welsh Government Planning Policy Wales (Edition 9, Nov 2016), TAN 24: the Historic Environment (May 2017) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The evaluation will consist of a detailed desktop study, geophysics and evaluation trenching. At this stage we can already predict that the results will lead to extensive open area excavations across this application area.

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

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

I have attached advisory information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work. I have also attached guidance on the evaluation process. We understand that the applicants agent is currently obtaining quotes and written schemes of investigation from a number of archaeological contractors.

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

*Additional Correspondence received 11<sup>th</sup> January 2018-*

We have now received a copy of the final evaluation report from Archaeology Wales for further comment.

The evaluation deliberately avoided all of the known and significant archaeology within the development area which is well represented by aerial photographic and geophysical

evidence, and in some cases even survives as earthworks in the fields. All of these features will need to be fully excavated before development commences.

The evaluation report concentrates on the areas between the known archaeology and investigated some less obvious features indicated on the geophysics. Archaeology was effectively located in every trench and largely remains undated due to the small investigation areas and the lack of recovered artefacts. The features located include pits, linears, possible post holes, a cremation pit and a possible post medieval trackway. These features are typical of the well preserved archaeology of prehistoric and later date which occupies the slightly higher gravelly ground in Four Crosses. The trenching shows that the areas between the known archaeology have a high archaeological potential and features are preserved at a fairly shallow depth, which makes them vulnerable to preparatory ground works and future construction.

As the archaeology is widely dispersed across the development area and retains all periods of human settlement from the prehistoric period through to the post medieval there are basically no areas where some form of archaeological mitigation would not be required. There are no clear opportunities for preservation in situ due to the nature and scale of the development and the shallow depth of preservation of the archaeology.

We would therefore recommend that if development proceeds here each field is systematically stripped and totally excavated to preserve a complete record of the archaeology. The cost of this mitigation will be a significant component of the development and the applicant and their agents should bear this in mind before proceeding with the development. If the land is sold on with a permission the significant financial burden of the archaeological mitigation should be made clear to future developers. To allow this work to be completed I have included a suitable condition for excavation below:

Suggested planning condition to facilitate a scheme of archaeological investigation as a condition of consent:

A) No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be commenced until the archaeological site investigation has been completed and the post excavation assessment report has been approved in

accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication, dissemination of results and archive deposition has been secured.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development

In effect the above combined condition means that:

- Development may commence once the site investigation is complete. If the fields are developed in sequence this means that the development could start in one completely excavated field while the other fields are still being excavated.
- The post investigation assessment of the excavated materials and records made can take place after the development has commenced.
- A full analysis, publication, and archive deposition may take some years to complete, particularly for a large or complex investigation like this one, but the development is not delayed over this period.

Please contact me if you wish to discuss any of the above recommendation or require more information. If there are any alterations to the suggested condition before consent is given please contact me to agree the changes.

*Additional Correspondence 1<sup>st</sup> February 2018-*

From the amended layout plan I can see that the number of houses has been reduced from 47 to 34 and the eastern extension of the former layout has been reduced.

The layout alteration has not reduced the potential impact of the scheme on identified archaeology within the new layout boundary. The impact here will still be significant and therefore the previous advice for archaeological excavation as a condition of consent remains as stated in our reply dated 11/1/18.

### Planning Policy

Further to our discussion on the above application. These are the issues which may be relevant:

#### 1. Settlement Numbers/Capacity:

Below is the LDP strategy paper and updates, from the LDP Examination pages. I'd refer you to the Erratum (2016) which shows the pro-rata distribution of the LDP dwelling requirement (4,500 dwellings) amongst the LDP settlements. Four Crosses' contribution was 46 dwellings for the Plan period 2011-2026.

EB30 \*[LDP Strategy \(June 2015\)](#) & [Update Jan 2016](#) & [Erratum to Strategy Topic Paper Update \(2016\)](#)

The following document provides an update on settlements and planning permissions and Page 3 shows the updated position (1/9/17) for Four Crosses including a comparison against

the pro-rata distribution of housing. It shows current provision for 91 dwellings, compared to the pro-rata distribution of 46. Of the 91, 32 relate to the LDP allocation P18 HA1.

ED045a [HS3 AP5 update 01.09.2017](#)

I've pasted below the text relating to the LDP site allocation P18 HA1 (there are no MACs proposed to this). Please note this refers to the large site being phased beyond the LDP period.

Four Crosses	P18	HA1	Land at Oldfield (including land rear of School)	3.4	32	Phase 2/3	10	3.2	N/A	Large Site capable of being phased beyond the Plan period. Development Brief required for phasing and provision of community space (adjacent to school?) for expansion/sport facilities to realise
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Cyngor Sir Powys County Council 232

Powys LDP 2011-2026 Composite Version incorporating Matters Arising Changes September 2017

Large Villages	Inset Map	Site Ref	Site Name	Site Area (Ha)	No. Units	Indicative Phasing	Affordable Housing Target (%)	Affordable Housing Target (No.)	Area Empl / Other (Ha)	Issues / Infrastructure / S106 Requirements (Base date for planning permission information - 1/04/2015)
						Phase 1 2011-2016 Phase 2 2016-2021 Phase 3 2021-2026				full allocation. Plan anticipates approx. 1.2 ha being developed. Possible mixed use opportunities, phasing plan required. Care re: heritage constraints, retain disused railway as potential transport corridor. Whole site would require archaeological evaluation as part of any planning application and appropriate archaeological mitigation as part of any development thereafter (consult and involve CPAT). Mix/amount of uses on site must be identified through the preparation of a development brief that takes account of all issues including constraints and viability. *Project level HRA screening required - Montgomery Canal SAC (hydrological connections) and Tanat and Vwernmy Bat sites SAC.

## 2. Land to rear of the School/Community Hall

Albeit a conceptual layout, the application proposes housing on the area of land to the rear of the school/community centre which could, at least in part, be retained or utilised for school/community/local recreational facilities provided there is an identified need and subject to landowner discussions and negotiations. This has been a consideration throughout the LDP process as noted in the issues in the above table. It is understood that the current UDP allocation M133 HA1 provides some assumptions as to housing but the LDP has provided a valuable opportunity to re-assess the needs of the settlement/land availability, suitability and use. You will be aware that the LDP has been drawn up with community engagement. I



would refer you to the candidate sites status report where site references 61, 453 and 1234 are relevant. Site 1234 was submitted for protection (for community use) and comprises the first parcel of land to the rear of the school.

[http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP\\_2015/LDP\\_Stages/2015\\_revised\\_Deposit\\_Draft/English/Sites\\_Status\\_Master\\_-\\_Deposit\\_2\\_2015.pdf](http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2015/LDP_Stages/2015_revised_Deposit_Draft/English/Sites_Status_Master_-_Deposit_2_2015.pdf)

### 3. National Policy Objectives

I would draw your attention to the policy concerns on some of the site, aside from the loss of open countryside (beyond the settlement boundary) which should generally be conserved and protected in its own right, some of the application land is shown as safeguarded as a minerals resource – see LDP inset map P18. Relevant mapping should also be checked for the presence of Best and Most Versatile agricultural land as this was flagged up as a potential constraint at the Candidate Sites Stage. I understand that CPAT have alerted you to the potential historic environment constraints and furthermore please note that our records indicate that the site proposals may need HRA assessment.

### 4. Proposed Allocation P18 HA1 in the emerging LDP

Please note that the application site comprises only part P18 HA1 along with adjacent (departure) land but leaves the main brownfield site (which comprises most of the emerging housing allocation) out of the application. In Four Crosses it would seem to be the more sustainable option to prioritise and encourage redevelopment of the existing brownfield site at Oldfield (east of the application site) for housing where we have been provided with developer intentions, thereby both helping to address immediate housing need whilst supporting the LDP Strategy in preference to enabling greenfield extensions such that being proposed. This would follow the search sequence test of Planning Policy Wales and the national policy objective to develop brownfield land in preference to greenfield.

I hope these points can inform your considerations and decision making/recommendations. Please do contact me if you wish to discuss any of these matters further.

Built Heritage Officer-

Thank you for consulting me on the above application.

The application is for the erection of 44 houses partly on land allocated for houses within the emerging LDP and partly without. Access would be via The Street.

The site contains a number of historic assets namely;

An unscheduled part of Offas Dyke,  
7 additional records on the Historic Environment Record as identified by CPAT

The site is adjacent to a number of designated historic assets namely;  
Scheduled Ancient Monument MG033 Offas Dyke  
Listed Building Cadw ID 8529 The Golden Lion  
Listed Building Cadw ID 8530 Street House

As Cadw is the statutory consultee on setting of Scheduled Ancient Monuments I shall not comment in this regard as they will be providing comments in respect of the setting of the Scheduled Ancient Monument. I duly note their comments in respect of the unscheduled element of Offas Dyke.

Recent Guidance Historic Records in Wales issued by Cadw came into effect on 31 May 2017 and from that date, this authority must have regard for the guidance in the discharge of its functions. The guidance advises in Paragraph 4.3 that the historic environment records are key sources of information that should be used to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts. As the Historic Environment Records on this site appear to be below ground archaeology, and I note the comments made by CPAT, I shall not comment on the HER's in this instance.

I shall therefore comment on the setting of listed buildings only.

I am mindful of the advise in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, " Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to 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."

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a..the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
  - its comparative significance;
  - the impact on that significance; and
  - the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the

asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

#### Evidential Value

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

The Golden Lion is sited adjacent to The Street and is two storeys with attic and cellar

Street House is also sited adjacent to the Street albeit behind a small roadside wall. The property is three storeys.

#### 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.

The Golden Lion dates from the late C18th and Street House dates from the first half of the C19th.

#### 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.

Both The Golden Lion and Street House are attractive buildings retaining significant element of their original polite architectural form. The Golden Lion has rendered brick with incised lines and 5 Venetian style windows on the front elevation. Street House is brick with dentil eaves and tall double hung sashes. The age of the buildings primarily on the west side of The Street evoke a sense of the areas past history and aspirations

## Communal Value

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

The 2 listed buildings identified along with the other properties on the west side of The Street including the listed Domgay Chapel and Chapel House illustrate the development of this area and the architectural aspirations of the buildings who constructed the buildings that exhibit elements of polite architecture.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

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

The document provides advice on how to assess the setting

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

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

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

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

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

The Golden Lion is the listed property closes to the application site. The building was constructed to face the former A483 and has its principal windows facing north east over The Street and the residential development of Parc Hafod. There are some windows to the rear facing over agricultural land now truncated by the by-pass and three modern windows on the northern gable.

Old Maps indicate that it was a public house from its construction no doubt serving travellers on the A483. The building due to its height and architecture is still commanding in the street scene.

When travelling on The Street the new development will be sited to the north west on the other side of The Street. The new development will not affect the current views of The Golden Lion nor impinge on the views of The Golden Lion. As such it is not considered that the proposal would have a significant impact on the setting of The Golden Lion.

Street House is sited to the south of The Golden Lion with the former outbuildings of The Golden Lion between them. Again the principal windows are to the front although there are some windows on the gable. Nevertheless given the distance between the application site and Street House in combination with the orientation of Street House, I would not consider that the proposal would have an impact on the setting of Street House.

I can confirm that I have no objections to the proposal on the grounds of setting of listed buildings.

*Additional Correspondence 5<sup>th</sup> February 2018-*

In respect of the additional information received in respect of this application. I can confirm that in respect of the setting of the listed buildings I have no objections to the revised information and nothing to add to my comments dated 15 November 2017. (attached for ease of reference).

## **Representations**

No letters of public representation have been received at the time of writing this report.

## **Planning History**

N/A

## **Principal Planning Constraints**

N/A

## **Principal Planning Policies**

National Policies

Planning Policy Wales (Edition 9, November 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 15- Development and Flood Risk (2004)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 20- Planning and the Welsh Language (2017)  
Technical Advice Note 23 – Economic Development (2014)  
Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

#### Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage  
SP5 – Housing Developments  
SP14- Development in Flood Risk Areas  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV17- Ancient Monuments and Archaeological Sites  
ENV18- Development Proposals Affecting Archaeological Sites  
HP3 – Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP6 – Dwellings in the Open Countryside  
HP9 – Affordable Housing in Rural Settlements  
HP10 – Affordability Criteria  
RL6- Rights of Way and Access to the Countryside  
RL7- Long Distance Rights of Way  
TR2- Tourist Attractions and Development Areas  
DC9- Protection of Water Resources  
DC10- Mains Sewage Treatment  
DC11 – Non-Mains Sewage Treatment  
DC13 – Surface Water Drainage  
DC14- Flood Prevention Measures

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

Powys Residential Design Guide (2004)

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

## **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 site is located partially outside of the settlement development limits as defined by the Powys Unitary Development Plan (2010), whilst the majority of the site is an allocated housing site under the UDP ref M133 (HA1) which has already been part committed.

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

### Housing Land Supply

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

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

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

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

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

### Sustainability

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

The site itself is located within the Key Settlement of Four Crosses and is located adjoining an existing residential housing estate which is located to the south of the application site and located to the rear of the school and community centre which is located to the west of the application site.

As a key settlement Four Crosses has a number of Primary School, Community Centre, Shops, Café, Doctors Surgery, Public Houses, Filling Station, Recreation Ground including All Weather Court and Industrial Premises.

Whilst when considering the application consideration has been given to the level of housing growth outside of the settlement development boundary proposed, it is noted that the application is in outline with some matters reserved an indicative layout has been provided which indicates 10 dwellings being proposed outside of the settlement development boundary. Given the services available within Four Crosses as a Key Settlement it is considered on balance that the development as proposed would be considered as acceptable within this location.

### Scale, Design and Appearance

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.



Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates a single detached dwelling.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the dwellings 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.

### Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

Based on the distances involved as indicated on the indicative layout it is considered that the proposed development would not be seen as having an impact on the amenity of the neighbouring residential property by either loss of light or privacy.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

### Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

### Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to

the application site. The site in question has been indicated as part urban and part category 2 agricultural land; this is defined as good quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification urban and category 2 it is considered that a refusal could be supported on this basis however on balance the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

#### Sites of Archaeological Importance

Information retained within the Regional Historic Environment Record indicated that the application falls in an area of extremely high archaeological sensitivity. CPAT and Cadw have been consulted and have noted that the plot contains numerous recorded archaeological sites including:

PRN 38098 – Cae Hen Trackway. Double ditches recognised as cropmarks on an aerial photograph. Undated but possibly related to prehistoric or Roman period field boundaries.

PRN 17177 – Four Crosses Cropmark Complex. Large number of cropmarks of field systems, pit alignments, ring ditch burials and enclosures. Prehistoric to post medieval in date.

PRN 50519 – Four Crosses Field System. Extensive area of field boundary ditches recognised from aerial photography. Probably prehistoric to post medieval in date.

PRN 38097 Cae Hen Enclosure – D-shaped prehistoric or Roman period enclosure linked with ditch field system.

PRN 23661 – Four Crosses Barrow Cemetery. Cropmarks of ring ditch burial mounds dating to the Bronze Age scattered across this area and recognised as cropmarks from aerial photographs.

PRN 3605 – Four Crosses Barrow Cemetery Site 1. Ring ditch bronze age burial with associated Neolithic and Roman archaeology. Excavated by CPAT in 1981 – 83.

PRN 38102 Cae Hen Enclosure – Large sub-circular enclosure of probable prehistoric date and partially preserved in the south side of the field as a cropmark recognised by aerial photography. Not excavated in the 1981-83 CPAT excavations to the north.

Additional information was submitted in the way of an Archaeological Field Evaluation undertaken by Archaeology Wales dated January 2018. CPAT and Cadw were re-consulted and CPAT noted that as the archaeology is widely dispersed across the development area and retains all periods of human settlement from the prehistoric period through to the post medieval there are basically no areas where some form of archaeological mitigation would not be required. There are no clear opportunities for preservation in situ due to the nature and scale of the development and the shallow depth of preservation of the archaeology.

In light of the above the officer has therefore confirmed that should the development proceed each field will have to be systematically stripped and totally excavated to preserve a complete record of the archaeology which will involve a significant cost to the developer. An appropriately worded condition will therefore be attached to any grant of consent.

### Ecology

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

NRW and the Powys Ecologist have been consulted on the proposed development. Whilst NRW had no objection to the proposed development concerns were raised from the Powys Ecologist with regards to no ecological information being submitted to determine the impact on European Protected Species at the site.

Additional information was submitted by way of a Phase 1 Habitat Survey. Whilst Powys Ecologist and NRW have been consulted only comments have been received from NRW to date which confirm they have no objections subject to recommended conditions.

An update will therefore be provided to Members as a report update when further comments have been received.

### Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Four Crosses is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Llandysilio community area the percentage of those aged 3 and above able to speak Welsh has decreased by 1.2% since the 2001 census data (2011- 11.7% and 2001- 12.9%)

In light of the above and given the scale of the proposed development it is considered that the proposal will therefore not have an unacceptable adverse impact upon Welsh language and culture.

### Affordable Housing

Latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in this area would be viable. In light of the above and therefore in support of the application a condition will be attached to any grant of consent securing 10% affordable housing.

### Public Right of Way

It is noted that the Offa Dyke Right of Way runs through Four Crosses. Whilst the application site itself would not directly impact on the right of way given its location on the adjoining side of the unclassified highway- consideration must be given to the development potential impact on the use of this tourism facility.

Whilst the Rights of Way team has been consulted no response has been received at the time of writing this report. However, considering the location of the proposed development adjoining existing built development for Four Crosses with only a small portion which would extend the built development boundary for Four Crosses it is considered that the development would be seen as an extension to existing settlement and therefore would not impact the use of the nearby rights of way network.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

## **RECOMMENDATION**

In this instance, the provision of housing is on balance considered to outweigh the plan and the loss of grade 2 agricultural land and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional consent subject to the signing of a Section 106 legal agreement to secure the provision of recreational/outdoor space in compliance with Field in Trust standards within 3 months from the date of this meeting or otherwise delegation be given to the Lead Professional to determine the application as appropriate.

### **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 XXX (drawing no's: ).

5. Prior to the commencement of development a drainage scheme to include the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter approved shall be implemented in full prior to the first use of any dwelling.

6. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays

7. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during demolition and construction; and
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

8. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments (iii) 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.

9. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately. An investigation and risk assessment, remediate implementation shall be undertaken in accordance with the requirements detailed within the contamination conditions attached to this grant of consent.

11. Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in

writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

12. Prior to the commencement of development a pollution prevention plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

13. Prior to any works being commenced on the development site full engineering drawings for the off-site footway/cycle infrastructure together with traffic calming proposals along the U4908 shall be submitted and approved in writing by the local planning authority.

14. Prior to the occupation of any of the dwellings the highway improvements, referred to above, shall be fully completed to the written approval of the local planning authority.

15. Prior to the occupation of any dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

16. The centre line of the first 15 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.

17. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

18. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 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.

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

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

21. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 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.

22. The width of the access carriageway shall be not less than 5.0 metres along the access road 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.

23. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

24. Any internal side-road junctions shall have a corner radii of 6 metres

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

26. 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.

27. 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.

28. 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 15 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,

29. Upon formation of the visibility splays as detailed in condition 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.

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

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

32. No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

a. The programme and methodology of site investigation and recording

b. The programme for post investigation assessment

c. Provision to be made for analysis of the site investigation and recording

d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Development thereafter must be completed in full accordance with the details as approved above.

33. The development shall not be commenced until the archaeological site investigation has been completed and the post excavation assessment report has been approved in accordance with the programme set out in the Written Scheme of Investigation approved under condition 32 and the provision made for analysis, publication, dissemination of results and archive deposition has been secured.

34. Prior to the first use of an external lighting a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

35. 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 10% 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.

## **Reasons**

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To prevent the increased risk of flooding in accordance with policies GP1, DC13 and DC14 of the Powys Unitary Development Plan.
6. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
7. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
8. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
9. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
10. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
11. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
12. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.



15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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29. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
30. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
31. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
32. To enable a record to be made of this site of historical and/or architectural interest.
33. To enable a record to be made of this site of historical and/or architectural interest.
34. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1 and DC10 and DC11 of the Powys County Council Unitary Development Plan.
35. 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).

## **Informative Notes**

### 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.

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